

DRAFT

LAGPA-OP (381)

27 June 1994

MEMORANDUM THRU Commander, USAINSCOM, 8825 Beulah Street,
ATTN: ADCSOPS-HU/CI, Fort Belvoir,
VA 22060-5246

FOR Office of the Deputy Chief of Staff for Intelligence, ATTN: DAMI-CI
Washington, DC 20310-1001

SUBJECT: Counterintelligence Support to Operation Garden Plot

1. It has come to our attention that the Counterintelligence Division of DAMI is considering a revision to Annex B of the Operations Order for Garden Plot. Part of this change would eliminate counterintelligence support for the Joint Task Force commander during a civil disturbance. We do not believe this reflects the potential needs of the Joint Task Force commander or the US Army.

2. We recognize that Garden Plot is primarily a Law Enforcement mission, but we see several important counterintelligence functions that 902d Military Intelligence Group can provide to support the JTF's Force Protection mission. These include:

a. Liaison.

(1) The 902d Military Intelligence Group is the only CONUS-based, Army organization with experienced, EAC-level Counterintelligence personnel. This is not to denigrate the abilities or training of CI personnel assigned to organic MI units of the JTF. However, the 902d MI Group is already proficient at conducting Force Protection liaison with local, state and federal Law Enforcement Agencies (LEAs).

(2) The 902d MI Group already has existing relationships with local, state and federal LEAs through its Regional Offices and Detachments that are in every major region of the United States. Personnel from other MI units tasked to support the JTF would have to take the time and effort to establish their own contacts with these LEAs.

b. Analysis. We can expect that threat organizations will try to take advantage of the confusion and uncertainty of a civil disturbance. 902d CI agents can link into a large number of existing or projected strategic intelligence databases

DRAFT

DRAFT

LAGPA-OP

Subject: Counterintelligence Support to Operation Garden Plot

and systems of collection & analysis through the Group Counterintelligence Analysis Center (GCAC). The 902d MI Group can use these multi-discipline counterintelligence assets, and the experience gained from routine use of these systems, to quickly obtain specific and detailed counterintelligence information to detect, identify and neutralize foreign intelligence threats to US forces, technologies and secrets.

c. Oversight experience.

(1) Unless the nation's leadership declare martial law during the civil disturbance, the provisions of Executive Order 12333 and Army Regulation 381-10 will still apply. It is possible that tactically oriented CI personnel, inexperienced at dealing with oversight procedures on regular basis, could violate the privacy and Constitutional rights of US persons. Illegally obtained information could be collected and placed into the intelligence files of the JTF J-2/G-2 and be distributed through intelligence reports.

(2) 902d personnel frequently deal with oversight questions and issues. They are accustomed to the actions required to effectively perform authorized missions and functions. They can provide assistance and guidance to the JTF on these AR 381-10 procedures and oversight regulations & requirements.

3. In the event of a civil disturbance, the JTF commander may not want, or need, counterintelligence support, but this should be his/her decision. By removing CI support from the operations order, you are taking away the commander's option to utilize a potentially valuable asset in support of the unit's Force Protection mission.

4. The 902d POC is CPT Webster, DSN 923-2105/2116.

MERRITT M. SMITH
LTC, MI
S-3

DRAFT

ISSUE: As a result of providing support during the Los Angeles riots, 902d Counter Intelligence personnel have identified a need to be able to use their MI Badges and Credentials when directly supporting a Joint Task Force commander during a period of civil disturbance. However, AR 381-20, chap 5-12c specifically prohibits this use of B&Cs.

MAIN CONTENTION: That a civil disturbance is a Law Enforcement and Department of Justice issue. If 902d counterintelligence agents are asked to provide support to the JTF commander, they will not be performing "intelligence" duties, and B & C's will not be required. Also they believe that using their military ID card will be sufficient to allow CI agents access to the places they will need to go to conduct their liaison.

BACKGROUND: AR 381-20, chap 12 states that when properly tasked to provide support during a civil disturbance, "the primary counterintelligence function is to support unit force protection efforts through close and continuous liaison with civilian LEAs." The regulation also states that B&Cs are an essential element when conducting liaison.

When a counterintelligence agent already has an established relationship with a civilian LEA, it would not be necessary to use B&Cs. However, there will be many situations where this will not always be possible. Two examples would be when the CI personnel tasked to provide liaison support has not had the opportunity to establish a prior relationship with the LEA, or when the LEA is unfamiliar with working with military CI personnel. These are exactly the situations that B&Cs are meant to expedite.

As for the case about using ID cards to gain entrance to sensitive areas, this was not the case in Los Angeles. The security measures around the headquarters compounds and command posts the CI personnel needed to go to were very tight. A military ID card would not have been enough to get them access to the people they needed to talk to, or to the information they needed to get.

902D RECOMMENDATION: That AR 381-20 be changed to allow the use of B&C's by CI personnel when they are providing support during a civil disturbance. This will allow them to provide better support to the JTF commander by allowing them greater access to coordinate with Civilian LEAs and obtain needed information.

CURRENT STATUS: Awaiting an answer from the Army General Counsel about any concerns they may have over CI personnel using their B&Cs. This is in response to an issue raised by DAMI-CI, that the AGC was opposed to the issue. But DAMI-CI did not have any specific reasons.

24 Jan 94 - Memo sent to IAOPS-CI non-concurring with policy on use of B&C's from LTC Smith

22 Feb 94 - CPT Webster talked with Ms. Regan Smith who had seen the 24 Jan 94 memo. Ms. Smith stated that DAMI-CI was opposed to the changes to AR 381-20, because the Army General Counsel was opposed to them.

04 Apr 94 - Received 1st End of memo, dated 18 Mar, from COL Goebeler returning the correspondence without action. The reason given for the return was a recommendation from IASJA, dated 9 Mar 94, stating that the 902d memo had not been staffed properly (i.e. the memo was not signed "For the Commander").

20 April 94 - Memo sent to the AGC requesting clarification from COL Harding
CF: DAMI-CI
IAOPS-HU-CI
IASJA
IACS-IO

20 April 94 - Memo re-sent to IAOPS-CI from COL Harding



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
HEADQUARTERS, 902D MILITARY INTELLIGENCE GROUP
FORT GEORGE G. MEADE, MARYLAND 20755-8910



REPLY TO
ATTENTION OF:

LAGPA-OP (381)

20 April 1994

MEMORANDUM FOR Office of the Army General Counsel, Dept of the Army,
ATTN: (Mr. Whitt Cobb)

SUBJECT: Use of Military Intelligence Badges and Credentials (B & Cs) During
Civil Disturbances

1. References:

a. HQ DA Policy MSG, dated 161800Z Apr 93, subj: HQDA Policy on the Use of
Military Intelligence Personnel During Civil Disturbances.

Whitt
b. AR 381-20, 15 Nov 93, subj: The Army Counterintelligence Program.

2. I am recommending to ODCSINT that AR 381-20 be revised to allow the use of
Military Intelligence badges and credentials during a civil disturbance. In support of
this recommendation, I request your assistance by clarifying the specific reasons the
Army General Counsel decided to limit the use of B & Cs, and what actions we can
do to address your concerns and permit us to work toward the goal of using B & Cs,
when the mission requires. Specific reasons for this request are addressed in
enclosure 1.

3. Special care must obviously be observed to ensure that all actions and support are
within legal requirements and all proprieties observed, but we feel that 902d CI
personnel need to be prepared to use their badges and credentials when the mission
calls for it. If US Army Intelligence personnel are not allowed to carry their B & Cs,
their ability to perform their mission will be adversely effected.

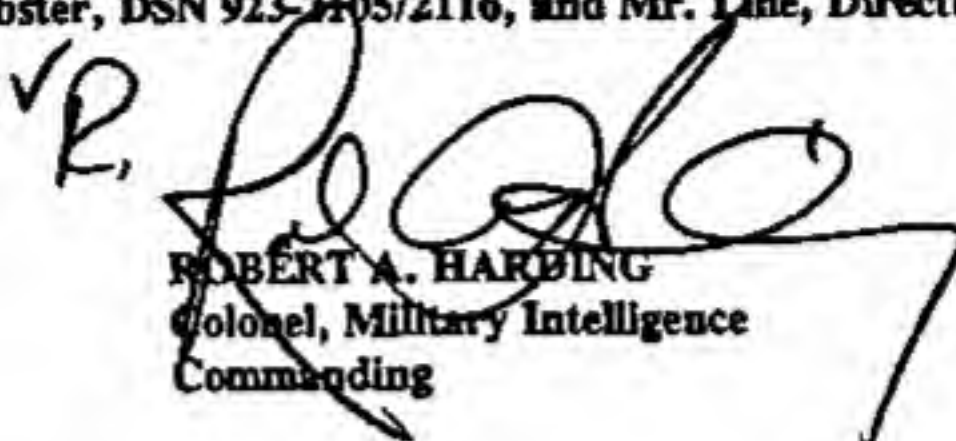
4. We look forward to your insight and recommendations on these points.

LAGPA-OP

SUBJECT: Use of Military Intelligence Badges and Credentials (B & Cs) During Civil Disturbances.

5. The 902d POCs are CPT Webster, DSN 923-2105/2116, and Mr. Line, Director of Operations, DSN 923-4822.

Encl


ROBERT A. HARBINGER
Colonel, Military Intelligence
Commanding

CF:

Commander, USAINSCOM, ATTN: IAOPS-HU-CI

Commander, USAINSCOM, ATTN: IASJA

Commander, USAINSCOM, ATTN: LACS-IO

Deputy Chief of Staff for Intelligence, Dept. of the Army, ATTN: DAMI-CI

1. Discussion:

a. AR 381-20, para 5-12a states that during a civil disturbance "the primary Counterintelligence function is to support unit force protection efforts through close and continuous liaison with civilian LEA." When properly tasked to provide this type of support, the 902d Military Intelligence Group wants to be able to do this in the most effective and efficient manner possible. In order to do this, 902d MI counterintelligence personnel in the field have identified a significant need to be prepared to use their badges and credentials.

b. We fully understand the sensitivities involved with CI participation in any type of support during a civil disturbance, and the desire to avoid even the appearance of any illegal activity or collection by Army Intelligence. We understand that a civil disturbance is a unique situation and that "normal" rules do not apply because we would be providing support to law enforcement.

c. AR 381-20, para 5-12c, states "... MI badges and credentials will not be used." We agree that there will be circumstances when it is not necessary to use B & Cs, and at these times this limitation will not cause significant problems in accomplishing the mission. Examples of such tasks would be to provide analysis of criminal information or situation development, as it states in AR 381-20, para 5-12b. However, there will be other times where it will be essential to use B & Cs.

d. B & Cs are a known element and an accepted method for establishing rapport. Civilian LEA personnel are accustomed to dealing with Army CI personnel who use B & Cs to establish an official status. Then, a civil disturbance occurs, and these same CI personnel are not using them. This will lead to confusion about whether they are conducting approved liaison.

e. CI personnel who have been properly assigned and tasked to support the JTF commander, will not have had enough time to establish a working relationship with the civilian LEAs in the area. Emotions and stress run very high in everyone trying to reestablish order in the situation. As a result, civilian LEA personnel will be suspicious of anyone unfamiliar to them and with whom they have not worked before. They will be hesitant to allow unknown personnel access to sensitive areas or to important meetings.

f. However, these civilian LEA personnel understand what B & Cs represent. This will allow CI personnel to quickly and effectively establish rapport with these people, and in turn, allow them access sensitive areas and ensure presence at important meetings. An example was during the Los Angeles Riots. 902d personnel were attempting to attend an extremely important meeting at the LEA headquarters.

If they had not had their B & Cs, there was no way they would have been allowed to attend by the civilian LEA guards, even though they had a valid reason for attending.

g. According to the current regulation, a CI person may only use his or her military uniform and green ID card to provide credibility. This is insufficient, especially for civilian 902d agents and personnel. In these situations there will be many soldiers, and a lot of other people in uniform, in the area. There won't be anything for civilian LEA personnel to use to establish the difference between CI personnel who are trying to conduct their approved liaison and have a legitimate reason to be in the area, and military personnel who don't require access to such sensitive areas. This is exactly what B & Cs are intended to do. AR 381-20, para 9-1b states they "... identify the bearer as a duly accredited special agent or representative of US Army intelligence who is performing official intelligence duties (liaison)." The important point in this phrase is the "official" duties.

h. Just as soldiers will be tasked to provide support, civilian LEA personnel will likely be called in to assist local LEA personnel. These new people may not be accustomed to dealing with US Army CI. It would especially useful to have B & Cs when dealing with these people.

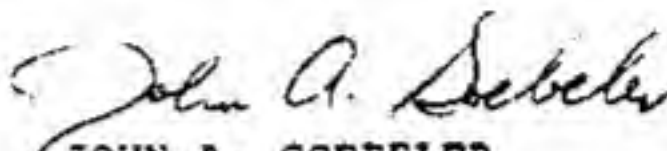
IAOPS-HU/CI (IAGPA-OP) (70) 1st End SSG Thomas/rt/DSN 235-1086
SUBJECT: Use of Badges and Credentials During Civil Disturbances

COMMANDER U.S. ARMY INTELLIGENCE AND SECURITY COMMAND, ATTN
IAOPS-HU/CI, 8825 Beulah Street, Fort Belvoir, VA 22060-5246

FOR COMMANDER, 902d MILITARY INTELLIGENCE GROUP, ATTN:
IAGPA-OP, Fort George G. Meade, MD 20755 18 MAR 1994

1. Basic correspondence is returned without action in compliance with HQ INSCOM, Staff Judge Advocate guidance (Enclosure 1).
2. HQ INSCOM POC is SSG Thomas, DSN 235-1086.

1 Encl


JOHN A. GOEBELER
COL, GS
ADCSOPS-HU/CI



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
HEADQUARTERS, 902D MILITARY INTELLIGENCE GROUP
FORT GEORGE G. MEADE, MARYLAND 20753-5310



REPLY TO
ATTENTION OF:

IAGPA-OP

24 January 1994

MEMORANDUM FOR Commander, USAINSCOM, 8825 Baulah Street,
ATTN: ADCSOPS-CI, Fort Belvoir, VA 22060-5246

SUBJECT: Use of Badges and Credentials During Civil Disturbances

1. References:

a. HQ DA policy MSG, dated 161800Z Apr 93, subj: HQDA Policy on the Use of Military Intelligence Personnel During Civil Disturbances.

b. AR 381-20, 15 Nov 93, subj: The Army Counterintelligence Program.

2. This command non-concurs with the DA Policy on the non-utilization of badges and credentials (B&Cs), during civil disturbances, para 5-12c, AR 381-20.

3. The foundation for our non-concurrence is AR 381-20, chapter 9-1; The U.S. Army Intelligence Badge and Credential Program. Chapter 9-1 states, B&Cs and representatives credentials identify the bearer as a duly accredited special agent or representative of U.S. Army Intelligence who is performing official intelligence duties. AR 381-20, chapter 5-12, further identifies close and continuous liaison with civilian LEA as the primary support function of CI personnel during civil unrest.

4. AR 381-20, chapter 5-11, clearly identifies liaison as an official intelligence duty. Effective liaison is fundamental to the successful CI operations and intelligence support to the commander, especially during periods of increased tensions such as a civil disturbance. In order for the civilian and military agents of the 902nd MI Gp to provide the required support, as outlined in AR 381-20, chapter 5-12, they must be prepared to use their badges and credentials.

5. B&Cs are essential when establishing initial rapport and credibility with local law enforcement agencies who may have had no previous contact with U.S. Army Intelligence. Furthermore, B&Cs provide additional identification, especially for civilian intelligence agents. Most importantly, B&Cs assist 902d agents to obtain access to information only available through intelligence channels. Access to this information is paramount for conducting effective liaison.

IAGPA-OP

SUBJECT: Use of Badges and Credentials During Civil Disturbances

6. Recommendation: We believe that AR 381-20, chapter 5-12, subparagraph c, is inconsistent with AR 381-20, chapters 9-12a, Intelligence Badge and Credentials Program and chapter 5-11 liaison. We recommend that AR 381-20, chapter 5-12c, be deleted. This action would eliminate all confusion between AR 381-20, chapters 5-11, B&Cs Program and AR 381-20, chapter 9-1, Liaison.

7. We believe that 902d agents are correct in carrying their B&Cs when tasked by INSCOM to support operation, "Garden Plot". Doing so demonstrates professionalism and preparedness.

8. POC is CPT Hayes or CPT Webster, DSN 923-2116/2105, Commercial (301) 677-2116.


MERRITT M. SMITH
LTC, MI
S3

DISTRIBUTION:

Commander, Battalion (CI)(S)
Commander, Battalion (CI)(CE)
Commander, Battalion (CI)(SPT)
Commander, HHC 902d MI GRP
Director, Central Security Facility

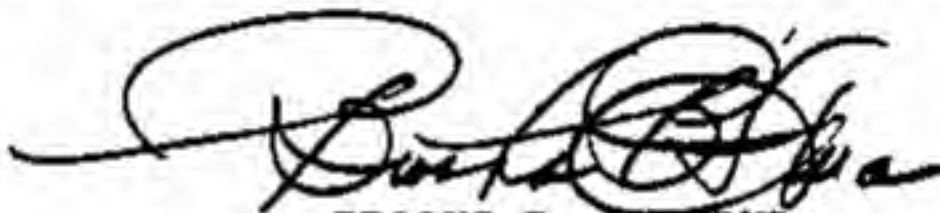
IASJA

09 March 1994

MEMORANDUM FOR IAOPS-HU/CI

SUBJECT: Guidance for Counterintelligence Support During Civil Disturbances - SJA Comments

1. I note LTC Smith's comment, in which he "non-concurs" with Army Policy, is not signed "For the Commander", nor was it apparently sent through the CDR, 902d MI Gp. Why distribution of the memo was made to subordinate units is unknown. However, one interpretation by subordinate units may be that they are being urged to not follow DA policy.
2. Recommend the action be returned to the CDR, 902d for proper staffing.
3. Point of contact for this action is the undersigned at DSN 235-1245.



BROOKS B. LA GRUA
COL, JA
Staff Judge Advocate

12

(Encl 1)

To: CPT Robert W. Webster
From: LTC Merritt M. Smith
Subject: Garden Plot

FORT MEADE
Security: Limited
Date Received: 02/24/94

Recipients:

CPT Robert W. Webster
CC: COL Robert A. Harding
CC: LTC DEMERS

CC: Mr Bryon S. Line
CC: LTC Ronald T. Sturmer

Did Smith actually show you a written legal opinion from the General Counsel that specifically stated this prohibition?? My guess is, she cannot.

I spoke to Mr. Line about this issue and we are in agreement. Our next step is to take it straight to the GC and ask what his opinion really is. Except this time WE get to explain the circumstances.

After we get his decision, I am prepared to put this actions into the "Hold 'til June" file. We will have a more receptive DAMI-CI then. LTC SMITH

----- Original Memo -----

To: LTC Merritt M. Smith
Subject: Garden Plot

From: CPT Robert W. Webster
Date Sent: 02/22/94

Sir,

On Friday I talked to Regan Smith of DA-MI-CIC for quite a while about using B&Cs during Garden Plot. She agrees that there is some confusion in AR 381-20, but until the Army General Counsel changes their mind, there is nothing that she can do to change the reg.

Even though the reg says that the primary CI function during a domestic civil disturbance is to support unit force protection efforts through close and continuous liaison with LEAs and that in certain narrow exceptions CI personnel may conduct collection activity, the General Counsel says it must be done without B&Cs. They say that B&Cs are used during "normal" operations, but Garden Plot is not a "normal" operation.

She also said that this does not effect someone in the same geographic area, but is not actually supporting Garden Plot. They would not be effected by the prohibition on B&Cs.

If we want to continue to work the issue, her recommendation was that we wait 90 days and then re-submit.

Also I talked to SSG Thomas at INSCOM. He said they were still working on the METL and haven't got to our request or their new guidance memo.

I need your guidance on what you want me to do next on this subject.

CPT WEBSTER

To: CPT Robert W. Webster
From: LTC Merritt M. Smith
Subject: Garden Plot

FORT MEADE
Security: Limited
Date Received: 02/24/94

Recipients:

CPT Robert W. Webster
CC: COL Robert A. Harding
CC: LTC DEMERS

CC: Mr Bryon S. Line
CC: LTC Ronald T. Sturmer

Did Smith actually show you a written legal opinion from the General Counsel that specifically stated this prohibition?? My guess is, she cannot.

I spoke to Mr. Line about this issue and we are in agreement. Our next step is to take it straight to the GC and ask what his opinion really is. Except this time WE get to explain the circumstances.

After we get his decision, I am prepared to put this actions into the "Hold til June" file. We will have a more receptive DAMI-CI then. LTC SMITH

----- Original Memo -----
To: LTC Merritt M. Smith
Subject: Garden Plot
From: CPT Robert W. Webster
Date Sent: 02/22/94

Sir,

On Friday I talked to Regan Smith of DA-MI-CIC for quite a while about using B&Cs during Garden Plot. She agrees that there is some confusion in AR 181-20, but until the Army General Counsel changes their mind, there is nothing that she can do to change the reg.

Even though the reg says that the primary CI function during a domestic civil disturbance is to support unit force protection efforts through close and continuous liaison with LEAs and that in certain narrow exceptions CI personnel may conduct collection activity, the General Counsel says it must be done without B&Cs. They say that B&Cs are used during "normal" operations, but Garden Plot is not a "normal" operation.

She also said that this does not effect someone in the same geographic area, but is not actually supporting Garden Plot. They would not be effected by the prohibition on B&Cs.

If we want to continue to work the issue, her recommendation was that we wait 90 days and then re-submit.

Also I talked to SSG Thomas at INSCOM. He said they were still working on the METL and haven't got to our request or their new guidance memo.

I need your guidance on what you want me to do next on this subject.

CPT WEBSTER

To: CPT Robert W. Webster
From: Mr Bryon S. Line
Subject: GARDEN PLOT

FORT MEADE
Security: Limited
Date Received: 02/14/94

Recipients:

LTC Merritt M. Smith

CPT Robert W. Webster

Merritt, I suggest CPT Webster and I pay a visit to DAMI-CI. We can "present our case" on this & also get him introduced around to people he'll need to know. I suggest Wednesday after weekly OPns meeting. bryon

----- Reply -----

CC: Mr Bryon S. Line
Subject: GARDEN PLOT

From: LTC Merritt M. Smith
Date Sent: 02/11/94

CPT Webster,

Give me the name of the person SSG Thomas is "dealing with" at DAMI.

Points #1 - #3 do not address the entire issue, but they are a start - if not a slow one. What I want to see is a policy that says we will not use B&Cs in the very limited situation where we are acting as MPs (etal) to "conduct" law enforcement activities. When we are in "support" (definition of this term may be the hang up!) of a civilian law enforcement activity - as part of a larger US Army contingent - there is every reason why we must carry creds.

If we cannot find reasonable minds to understand this distinction, we will put this action into abeyance until this summer. LTC SMITH

----- Original Memo -----

To: LTC Merritt M. Smith
Subject: GARDEN PLOT

From: CPT Robert W. Webster
Date Sent: 02/10/94

Sir,

I talked to SSG Thomas of INSCOM HU/CI several times yesterday. I reiterated our position to him on the use of B&Cs during a Civil Disturbance/GARDEN PLOT. He understands our position and agrees with us, especially that there is confusion in AR 381-20 between chap 5-12c and chaps 5-11 & 9-1. Unfortunately, when he talked to his higher HQ and tried to explain this to them, their response was basically that they are not going to change the regulation, period. He didn't know why they felt that way, so I asked if he could find out. SSG Thomas did say that they (INSCOM) are in the process of updating their guidance policy, so I tried to "guide" him to our position. He said they wanted to more clearly define the role of CI personnel during GARDEN PLOT. More specifically;

1. B&Cs will continue to be used for normal day-to-day liason that is already occurring.
2. B&Cs can be used for liaison activity in support of duly approved CI missions to provide Force Protection to the JTF commander.
3. B&Cs won't be used if/when CI soldiers are called upon to support local Law Enforcement Agencies. (M-16s, Kevlars, flak jackets; yes. B&Cs; no.)

Currently they working on our METL, so it may be a week or so until they get to GARDEN PLOT.

CPT Webster



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
HEADQUARTERS, 902D MILITARY INTELLIGENCE GROUP
FORT GEORGE G. MEADE, MARYLAND 20755-5910



REPLY TO
ATTENTION OF:

IAGPA-OP

24 January 1994

MEMORANDUM FOR Commander, USAINSCOM, 8825 Beulah Street,
ATTN: ADCSOPS-CI, Fort Belvoir, VA 22060-5246

SUBJECT: Use of Badges and Credentials During Civil Disturbances

1. References:

a. HQ DA policy MSG, dated 161800Z Apr 93, subj: HQDA Policy on the Use of Military Intelligence Personnel During Civil Disturbances.

b. AR 381-20, 15 Nov 93, subj: The Army Counterintelligence Program.

2. This command non-concurs with the DA Policy on the non-utilization of badges and credentials (B&Cs), during civil disturbances, para 5-12c, AR 381-20.

3. The foundation for our non-concurrence is AR 381-20, chapter 9-1; The U.S. Army intelligence Badge and Credential Program. Chapter 9-1 states, B&Cs and representatives credentials identify the bearer as a duly accredited special agent or representative of U.S. Army Intelligence who is performing official intelligence duties. AR 381-20, chapter 5-12, further identifies close and continuous liaison with civilian LEA as the primary support function of CI personnel during civil unrest.

4. AR 381-20, chapter 5-11, clearly identifies liaison as an official intelligence duty. Effective liaison is fundamental to the successful CI operations and intelligence support to the commander, especially during periods of increased tensions such as a civil disturbance. In order for the civilian and military agents of the 902nd MI Gp to provide the required support, as outlined in AR 381-20, chapter 5-12, they must be prepared to use their badges and credentials.

5. B&Cs are essential when establishing initial rapport and credibility with local law enforcement agencies who may have had no previous contact with U.S. Army Intelligence. Furthermore, B&Cs provide additional identification, especially for civilian intelligence agents. Most importantly, B&Cs assist 902d agents to obtain access to information only available through intelligence channels. Access to this information is paramount for conducting effective liaison.

IAGPA-OP

SUBJECT: Use of Badges and Credentials During Civil Disturbances

6. Recommendation: We believe that AR 381-20, chapter 5-12, subparagraph c, is inconsistent with AR 381-20, chapters 9-11a, Intelligence Badge and Credentials Program and chapter 5-11 liaison. We recommend that AR 381-20, chapter 5-12c, be deleted. This action would eliminate all confusion between AR 381-20, chapters 5-11, B&Cs Program and AR 381-20, chapter 9-1, Liaison.

7. We believe that 902d agents are correct in carrying their B&Cs when tasked by INSCOM to support operation, "Garden Plot". Doing so demonstrates professionalism and preparedness.

8. POC is CPT Hayes or CPT Webster, DSN 923-2116/2105, Commercial (301) 677-2116.


MERRITT M. SMITH
LTC, MI
S3

DISTRIBUTION:

Commander, Battalion (CI)(S)
Commander, Battalion (CI)(CE)
Commander, Battalion (CI)(SPT)
Commander, HHC 902d MI GRP
Director, Central Security Facility

To: CPT Cornelius L. Hayes
From: LTC Merritt M. Smith
Subject: INSCOM Memo GARDEN PLOT

FORT MEADE
Security: Limited
Date Received: 01/11/94

Recipients:

CPT Cornelius L. Hayes
CC: Mr Bryon S. Line
CC: MAJ James Stuteville
CC: LTC DEMERS

CC: COL Robert A. Harding
CC: LTC Sturmer
CC: Ms. Ann M. Clawson

CPT Hayes,

The guidance we received from INSCOM was contradictory and - although says it supports the DA policy on not using B&Cs - actually refutes it. Paragraph 4 states that "The 902d MI Group current force protection mission REQUIRES routine liaison with local law enforcement agencies.... (which will) remain the focus of 902d force protection operations in support of CONUS units (in a GARDEN PLOT scenario)." INSCOM also "...envisions (that) 902d support during GARDEN PLOT would not extend beyond this current role."

Question: If, in a GARDEN PLOT scenario, we will be doing no more than we are routinely do now (with B&Cs), how can they rationalize a policy that forbids their use when we will - by definition - do no more with local law enforcement than we are doing every day of the week???

We need to get on the record now with our objection and our justification. Expedite the drafting of our response. Coordinate with Bryon/Ann for a POC to handle this action to when you depart.

LTC SMITH

CC: CPT Cornelius L. Hayes
From: LTC Merritt M. Smith
Subject: Garden Plot

FORT MEADE
Security: Limited
Date Received: 12/17/93

Recipients:

COL Robert A. Harding

CC: CPT Cornelius L. Hayes

Sir,

For your information. Another action we continue to put pressure on INSCOM to resolve - provide guidance.

LTC SMITH

----- Original Memo -----

To: LTC Merritt M. Smith
Subject: Garden Plot

From: CPT Cornelius L. Hayes
Date Sent: 12/16/93

Sir, SSG Thomas ADCSOPS-CI called this morning to inform us that INSCOM's Guidance for Garden Plot is still forthcoming. They have just now received FORSCOM G2 concurrence. We've add FORSCOM concurrence since 2 Nov 93. SSG Thomas said that, "he expects Col Goebler to review and sign the official INSCOM guidance ASAP". He will then fax us a copy. From what I gather from SSG Thomas, our policy letter is head and shoulders above what they are going to give us.

C. Hayes



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
HEADQUARTERS, 902D MILITARY INTELLIGENCE GROUP
FORT GEORGE G. MEADE, MARYLAND 20755-3910



REPLY TO
ATTENTION OF:

IAGPA-OP (10-5a)

1 December 1993

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: 902d Support to Civil Disturbances - Policy Letter 93-1

SCOPE OF INSTRUCTION: This Policy Letter is applicable to all 902d MI GP personnel.

1. References: Message, HQDA, 4 Apr 93, Subject: Use of CI Personnel during Civil Disturbances.

b. AR 381-20, Chapter 5-11, 15 November 1993, Subject: CI support to Domestic Civil Disturbances.

2. Purpose: This Policy Letter provides guidance and establishes a training foundation for 902d personnel in support of Army elements selected to support Civilian Law Enforcement Agencies (LEA) to suppress insurrection, rioting or other civil disturbances.

3. General: Operation Plan "Garden Plot", is the current Army strategy concerning support to civil disturbances. At the direction of the supported CINC, military personnel may be deployed to support LEA agencies during domestic civil disturbances. The tasking flow is as follows:

a. DA will task FORSCOM to support a domestic LEA.

b. If required, FORSCOM will request non-organic CI support from INSCOM.

c. INSCOM will task the appropriate INSCOM element to provide the necessary support to the deployed FORSCOM element or LEA.

If INSCOM tasks the 902d to support "Garden Plot", the Group Counterintelligence Analysis Center (GCAC) will assign missions to appropriate Battalions to deploy resources in support of the deployed FORSCOM or LEA elements. 902d units will take no action unless directed by the GCAC.

IAGPA-OP

SUBJECT: 902D Support To Civil Disturbances - Policy Letter 93-1

4. Policy: Since EO 12333 and AR 381-10 do not apply to law enforcement activities, any activity by CI personnel must comply with the following:

a. The primary CI function is to support unit force protection efforts, through close and continuous liaison with (LEA). Civilian LEA are the primary information collectors and files retention agencies. With certain narrow exceptions, CI personnel may conduct collection activities only after the Secretary or Secretary of the Army approval. Activities must comply with 5200.27 and AR 380-13.

b. CI personnel may provide additional support only after coordination with the task force senior intelligence officer and legal advisor, and have prior approval by the task force commander's designated law enforcement representative. This support may include investigative skills, analysis of criminal information, and situation development.

c. All CI personnel involved will be in uniform. Military Intelligence badges and credentials will not be used.

d. All CI personnel alerted for possible deployment must understand the sensitivities concerned with past deployments of Army CI assets in domestic civil disturbance situations. Every precaution should be taken to ensure CI personnel do not conduct any activities without prior approval, and do not collect or maintain information on U.S. persons beyond that specifically authorized for the deployment duration.

6. Training Concept: As a result of the feedback from Battalions, civil disturbance support training will be made available by the Group Training Branch. Training areas of concentration are as follows:

- a. Mission
- b. Tasking Flow
- c. Support Functions
- d. Intelligence Oversight
- e. Legal Overview

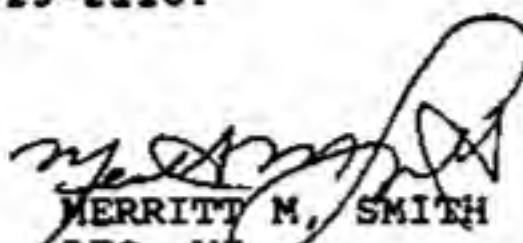
IAGPA-OP

SUBJECT: 902D Support To Civil Disturbances - Policy Letter 93-1

This Policy Letter in conjunction with enclosure 1 will serve as a foundation for support to civil disturbance training.

7. POC is CPT C. Hayes, DSN 923-2116.

2 Encls
Training Briefing
HQDA Policy Message


MERRITT M. SMITH
LTC, MI
S3

DISTRIBUTION:

Commander, Security Bn
Commander, CE Battalion
Commander, CI SPT Battalion
Director, CSF
Commander, HHC 902d
Chief, GCAC

CF:

Commander, 902d MI Gp

**GARDEN PLOT
CIVIL DISTURBANCES**

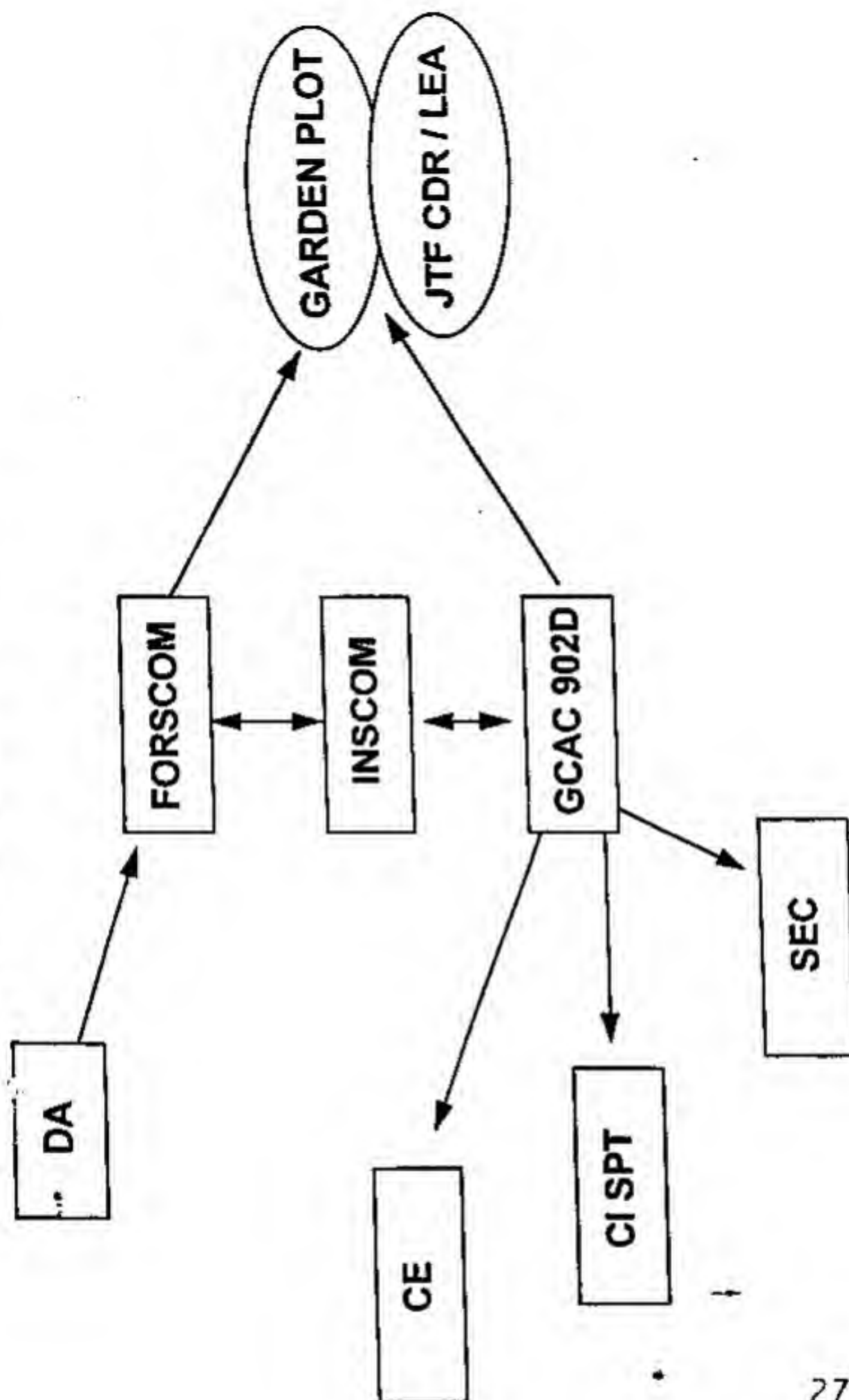
DA POLICY (INTELL SPT)

- CIVIL DISTURBANCES ARE LAW ENFORCEMENT ACTIVITIES
- 902D MISSION TO SPT GARDEN PLOT MUST BE REQUESTED BY FORSCOM THRU INSCOM
- NO BADGES AND CREDENTIALS WILL BE USED

DA POLICY (CONTINUED)

- **PRIMARY CI MISSION IS LIAISON WITH JTF CDR / LEA**
- **LOCAL LAW ENFORCEMENT AGENCIES ARE THE PRIMARY INFORMATION COLLECTORS**
- **MILITARY POLICE WILL BE STRONGLY CONSIDERED PRIOR TO REQUESTING NON-ORGANIC CI SUPPORT**

MISSION FLOW



CI SUPPORT PACKAGE FACILITATE INFOMATION FLOW THRU

- **LIAISON SUPPORT**
- **LOCAL AREA KNOWLEDGE**
- **INTELL OVERSIGHT**
- **OPSEC EVALUATIONS AND ASSISTANCE**
- **TRAINING FOR ARMY AND USMC CI PERSONNEL**
- **INPUT TO AND DISSEMINATION OF JTF INTSUM**

WHAT WE NEED TO ENSURE

- **DAMI - FORSCOM - INSCOM - AND 902D UNDERSTAND DA POLICY AND HOW TO IMPLEMENT**
- **902D GEOGRAPHICAL OFFICES UNDERSTAND DA POLICY**
- **GCAC IS PREPARED TO SUPPORT IF REQUESTED**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
8825 BEULAH STREET
FORT BELVOIR, VIRGINIA 22060-5248



IAOPS-HU/CI (381)

1 December 1993

MEMORANDUM FOR Commander, 902d Military Intelligence Group, ATTN:
IAGPA-OP-GCAC, Fort George G. Meade, MD 20755

SUBJECT: Guidance for Counterintelligence Support During Civil Disturbances

1. References:

a. Memorandum, 902d Military Intelligence Group, IAGPA-OP, 19 Nov 93, subject: 902d Support to Civil Disturbances.

b. HQDA policy MSG, 161800Z Apr 93, subj: HQDA Policy on the Use of Military Intelligence Personnel During Civil Disturbance.

2. The INSCOM position on subject is that it is primarily a support to law enforcement function. The use of intelligence personnel will be limited to force protection support and will be conducted IAW AR 381-10 and AR 381-20. Reference b clearly states that there will be no use of Badge and Credentials by CI personnel; this implies that CI agents will not be the primary source of personnel to augment FORSCOM elements in response to Garden Plot or other civil disturbances.

3. Civil disturbance support is the responsibility of FORSCOM. The tasking process for any intelligence support to Garden Plot beyond their organic assets will be routed from FORSCOM to INSCOM. INSCOM will in turn task the appropriate elements based on the requirements and available assets.

4. The 902d MI Group current force protection mission requires routine liaison with local Law Enforcement Agencies. This liaison effort, though likely heightened during a Garden Plot scenario remains the focus of 902d force protection operations in support of units within CONUS. Therefore, as currently envisioned, 902d support during Garden Plot would not extend beyond this current role.

5. (U) HQ INSCOM POC is SSG Thomas, DSN 235-1086.



JOHN A. GOEBELER
Colonel, GS
ADCSOPS-HU/CI



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
HEADQUARTERS, 902D MILITARY INTELLIGENCE GROUP
FORT GEORGE G. MEADE, MARYLAND 20755-5910



REPLY TO
ATTENTION OF:
IAGPA-OP

19 November 1993

MEMORANDUM FOR Commander, USAINSCOM, 8825 Beulah Street,
ATTN: ADCSOPS-CI, Fort Belvoir, VA 22060-5246

SUBJECT: 902d Support to Civil Disturbances

1. Message, HQDA, 4 Apr 93, Subject: Use of CI Personnel During Civil Disturbances, has been received at this Command. However, this Command has yet to receive any implementation guidance from INSCOM.

2. Request you provide this Command with detailed guidance for the potential use of 902d CI personnel in support of Civil Disturbances.

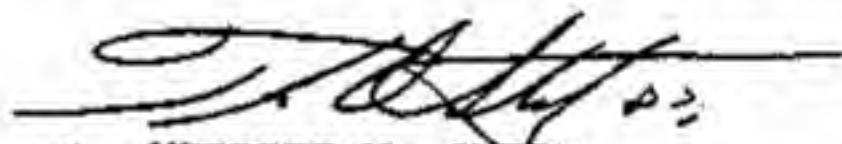
3. Please at a minimum, include in your response, answers to the following questions:

a. Whose mission is it to directly support Civil Disturbances?

b. What is the tasking process ?

c. If the 902d is tasked, what will be our functions?

4. My POC for this memorandum is CPT C. Hayes, DSN 923-2116.


MERRITT M. SMITH
LTC, MI
S3

22 November 1993

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Civil Disturbances(GARDEN PLOT)

1. Reference HQDA message, dated 4 April 1993, Subject; use of CI personnel during civil disturbances. (enclosed)
2. This memorandum provides 902d guidance regarding the use of 902d MI personnel in support of the FORSCOM elements selected to support civilian law enforcement agencies (LEA) to suppress insurrection, rioting or other civil disturbances. Operation Plan "Garden Plot", is the current Department of the Army strategy concerning support to civil disturbances.
3. The tasking flow for Garden Plot support is as follows: DA will task Forces Command (FORSCOM) to deploy in support of local law enforcement authorities; If required, FORSCOM will request non- organic CI support from the Intelligence and Security Command (INSCOM). INSCOM will task the appropriate INSCOM element to provide the necessary support to the deployed CINC or local law enforcement representative. The use of Military Police will be strongly considered by FORSCOM prior to requesting non-organic CI support.
4. If INSCOM tasks the 902d to support "Garden Plot", the Group Counterintelligence Analysis Center (GCAC) will fuse and focus the necessary Group assets to deploy in support of the LEA or military task force commander.
5. The primary mission of 902d personnel under "Garden Plot", is to conduct close and continuous liaison with civilian local law enforcement agencies (LEA), which will be the primary information collectors. 902d support will include but will not be limited to, providing: Local area knowledge, intelligence oversight (IO) support to FORSCOM IO, training for Army and USMC CI personnel, OPSEC evaluations and assistance and providing input to and dissemination of the Joint Task Force (JTF) intelligence summary (INTSUM).

6. As a result of the feedback from your S3's, civil disturbance support training will be made available by the Group Training Branch through the GCAC.

7. My POC is CPT C. Hayes, DSN 923-2116

2 Encls
Briefing Garden Plot
HQDA Policy Message

MERRITT M. SMITH
LTC, MI
S3

Distribution:
GCAC Chief
Commander, Security Bn
Commander, CE Battalion
Commander, CI SPT Battalion
Director, CSF
Commander, HHC

CF:
Commander, 902d MI Group

- (2) CI support to combatting terrorism.
- (3) CI support to rear operations.
- (4) CI support to civil-military affairs.
- (5) CI support to psychological operations.
- (6) CI support to battlefield deception.
- (7) CI support to operations security.
- (8) CI support to friendly communications-electronics (Countersigint).

a. Countermeasures recommendations by supporting CI elements are not directive in nature, unless provided for in other regulations or endorsed as such by the supported commander. The priority, risks, and resource allocation decisions to implement countermeasures are the supported commander's responsibility.

5-6. Low level source operations (LLSO)

Low level source operations support force protection of deployed U.S. forces. LLSO are governed by classified HQDA implementing memoranda.

5-8. Advice and assistance

CI advice and assistance are technical consultations aimed at improving or sustaining force protection and formal security programs. These consultations aid the security manager in developing or improving security plans and standard operating procedures. Such assistance can be programmed or unprogrammed. It can include, but is not limited to—

- a. Advice concerning the conduct of inspections, security planning, the resolution of security problems, or development of classification guides;
- b. Conduct of CI surveys, technical inspections, and preconstruction technical assistance;
- c. Conducting SAEDA training, providing SAEDA materials, and training security managers ("train the trainer") in the SAEDA program;
- d. Providing investigative advice to the command's security investigations under AR 15-6 and AR 380-5.

5-7. Counterintelligence technical support activities

a. Technical support activities are specialized subdisciplines of counterintelligence. They are governed by separate regulations as listed below:

- (1) Technical Surveillance Countermeasures (TSCM). AR 381-14(S).
- (2) Intelligence polygraphs. AR 195-6 and this regulation.
- b. Although TSCM are specialized investigations and polygraph is an investigative technique, they also have applications in general operations. INSCOM and the 650th MI Group conduct TSCM. INSCOM conducts intelligence polygraphs.

5-8. CI support to acquisition and special access programs

a. INSCOM conducts CI support to Army RDTE and acquisition elements through the Acquisition Systems Protection Program (ASPP). The ASPP assesses FIS technical options for countering U.S. weapons systems. The program's goal is to protect the U.S. technical lead by conducting counterintelligence support throughout the acquisition process.

b. SAPs generally involve either military acquisition, a military operation, or intelligence activity. CI support to SAPs will extend, as applicable, to Government and industrial security enhancements; to DOD contractors and their facilities, in coordination with DIS as appropriate; and to the full range of sensitive RDTE activities, military operations, and intelligence activities for which DA is the proponent or executive agent.

c. INSCOM is responsible for providing life cycle CI support to approved SAPs and for maintaining the capability and expertise to meet Army needs for CI support to SAPs. CI support will automatically be provided to Secretary of the Army approved category I and II SAPs, and selected DOD and category III SAPs as approved by HQDA (AR 380-381).

5-9. CI support to HUMINT

CI support to HUMINT ensures the integration of the two disciplines. CG, INSCOM will ensure HUMINT and CI staffs review each other's plans for possible compromise, passing a source from one to the other, or investigative requirements.

5-10. CI support to treaty verification

a. Arms control treaties have resulted in an overt FIS presence at U.S. facilities. CI is primarily concerned with non-treaty related aspects of overt FIS visits to Army installations, to protect installation activities and facilities not subject to treaty verification. CI personnel provide advice and assistance to installation commanders, and debrief Army personnel who may have come in contact with inspectors.

b. Within CONUS, INSCOM is responsible for CI support to treaty verification, with FORSCOM support. Liaison with other U.S. agencies involved in the treaties will be in accordance with paragraph 5-10.1.

c. Outside CONUS, all CI elements will provide CI support to treaty verification, as directed by the affected unified, specified, or allied command CINC.

5-11. Liaison

a. Liaison is used to exchange information, obtain assistance, and prevent duplication of effort. It includes overt collection of intelligence information. Collection, use or dissemination of information gathered through liaison will comply with AR 381-10.

b. Within the United States—

(1) The ODCSINT is responsible for liaison with the national headquarters of all Intelligence Community and other agencies on CI policy matters or commitments. Except as provided in this regulation, or as otherwise authorized, communications with those national agency headquarters will be handled only through ODCSINT.

(2) The CG, INSCOM will provide a single point of contact liaison with the national headquarters of FBI and other federal agencies for coordinating CI operational and investigative matters. INSCOM CI elements will conduct continuing liaison with federal regional offices, other military intelligence services, state and local authorities as essential to support CI activities.

(3) CI elements of non-INSCOM MI units located in the United States will conduct on-post liaison activities and off-post liaison with local authorities as necessary to accomplish their assigned CI responsibilities. Prior to conducting off-post liaison, coordination will be made with the nearest INSCOM CI element, to determine if the desired information is already available, to avoid duplication of effort, and to facilitate information sharing. If appropriate, memoranda of understanding may be developed between INSCOM and the affected MACOM, which will formalize information exchange and include limits of liaison activities.

c. In overseas areas, MACOM commanders will establish CI liaison programs with other U.S. and foreign agencies, consistent with the following:

(1) To avoid confusion and duplication, intelligence components that desire CI liaison with foreign agencies will first determine if another element is performing the needed liaison. If so, attempts should be made to obtain the desired data through agencies with existing liaison. If new arrangements or changes to existing arrangements with foreign agencies are required, coordinate them UP AR 381-171.

(2) Operational and strategic CI units, and CI elements of SMU and Special Operations Forces units, will conduct continuing liaison with the United States, host and other foreign government intelligence agencies, and law enforcement agencies as essential to support CI activities.

(3) Tactical CI units will conduct continuing liaison with military law enforcement elements, and liaison with appropriate police and security agencies as required for wartime planning. In coordination with the theater MI unit, they will conduct the latter liaison often enough to ensure a smooth transition to full wartime liaison.

AR 381-20: 15 November 1993

PROGRAM 901-5

PRINT ORDER NUMBER 340

SEQ. 11

DATE 11 NOV 93

34

End 13

Conduct continuing liaison with theater MI units to obtain CI information that may impact upon the command.

5-12. CI support to domestic civil disturbances

At the direction of the supported CINC, military personnel may be deployed to support civilian law enforcement agencies (LEA) during domestic civil disturbances. Since EO 12333 and AR 381-10 do not apply to law enforcement activities, any activity by CI personnel must comply with the following:

a. The primary CI function is to support unit force protection efforts, through close and continuous liaison with civilian LEA. Civilian LEA are the primary information collectors and files retention agencies. With certain narrow exceptions, CI personnel may conduct collection activities only after Secretary or Under Secretary of the Army approval. The activities must comply with DOD 5200.27 and AR 380-13.

b. CI personnel may provide additional support only after coordination with the task force senior intelligence officer and legal advisor, and have prior approval by the task force commander's designated law enforcement representative. This support may include investigative skills, analysis of criminal information, and situation development.

c. All CI personnel involved will be in uniform, and MI badges and credentials will not be used.

d. All CI personnel alerted for possible deployment must understand the sensitivities concerned with past deployments of Army CI assets in domestic civil disturbance situations. Take every precaution to ensure CI personnel do not conduct any activities without prior approval, and do not collect or maintain information on U.S. persons beyond that specifically authorized for the deployment duration.

5-13. CI support to natural disaster operations

At the direction of the supported CINC, CI personnel may be deployed to assist in natural disaster operations. They remain under the provisions of EO 12333 and AR 381-10. Without an identifiable threat to U.S. security interests, however, use of CI personnel is not recommended.

Section III

Counter-Signals Intelligence (C-SIGINT)

5-14. General

a. C-SIGINT systematically examines friendly C-E signals and systems to determine their susceptibility to electronic exploitation.

b. C-SIGINT may be employed as an independent service, or in conjunction with other operations to provide an all-source multidisciplinary vulnerability assessment.

5-15. Counter-SIGINT support

a. C-SIGINT collection and analysis, including COMSEC monitoring (AR 380-33), will be performed at operational and theater levels to enhance force protection, survivability, mobility and training, and to provide empirical data to identify friendly C-E vulnerabilities and provide the basis for countermeasures recommendations.

b. Theater C-SIGINT resources will provide service to acquisition and SAPs; special operations forces; the Army component of joint, unified, and specified command exercises and operations; and other DOD activities as required. Emphasis should be placed on the following:

(1) Developing and maintaining detailed databases on FIS electronic collection and targeting capabilities.

(2) Collecting, analyzing, and maintaining data, in fixed and mobile environments, on critical C-E nodes that directly support a unit's command, control, communications and intelligence system; and systems that exhibit unique external signal parameters, signal structures, and modulation schemes that could allow FIS to identify, track, or target friendly elements.

(3) Collecting operational signals to measure the degree of security achieved by U.S. codes and cryptographic equipment.

(4) Assessing the types and value of information subject to loss through intercept and exploitation of friendly telecommunications.

(5) Determining the effectiveness of electronic protection, electronic attack, cover and deception activities, and operations security measures.

Section IV

Techniques

5-16. General

a. Counterintelligence techniques are those means used to accomplish the mission most efficiently and effectively. The selection of CI techniques to be employed will be determined at the lowest possible level by the on-scene CI element in conjunction with the supported military commander, within the constraints of the operation and applicable regulations.

b. General types of CI techniques are explained in the following paragraphs. This list is not all-inclusive. Detailed techniques are found in FM 34-60 and FM 34-5 (S/NF).

5-17. Vulnerability assessments

a. Vulnerability assessments are studies conducted by CI personnel to provide a supported command or agency a picture of its susceptibility to foreign intelligence collection. These assessments may be conducted on a command, agency, installation, subordinate element, headquarters, operation, or program, and are tailored to the needs of each requestor.

b. The objective is to provide a supported command or agency a realistic tool with which to evaluate internal force protection or security programs, and to provide a decisionmaking aid for the enhancement of these programs. Vulnerability assessments include the following:

(1) Evaluation of FIS multidiscipline intelligence collection capabilities, collection and other activities, and priority intelligence requirements.

(2) Identification of friendly activities patterns (physical and electronic), friendly physical and electronic signatures, and the resulting profiles.

(3) Monitoring or collecting C-E transmissions/signatures to aid in vulnerability assessments, and to provide a more realistic and stable basis from which to recommend countermeasures.

(4) Identification of vulnerabilities based upon analysis of collected information, and recommendation of countermeasures.

(5) Analyzing the effectiveness of implemented countermeasures.

5-18. Hostile intelligence simulation (Red Team)

a. Upon request by a commander or program manager, CI personnel may plan and execute a simulation of a foreign intelligence penetration of a specified target, such as an installation, operation, or program. Such simulations are informally known as "Red Team operations."

b. Red Team operations should be carried out as realistically as possible, but within the provisions of AR 381-10.

c. When using Counter-SIGINT resources to support Red Team operations, commanders will ensure compliance with the regulatory provisions governing the use of assets to perform electronic collection.

d. Because of the complexity and high resource requirements, Red Team operations should generally be limited to extremely sensitive activities, such as SAPs, although Red Team operations may be useful in conjunction with major tactical exercises and deployments.

e. Red Team proposals will be documented in an operations plan and approved by the activity head or commander who requested the service.

AR 381-20* 15 November 1993

35

PROGRAM 901-3

PRINT ORDER NUMBER 340

SBQ 13

DATE 11-NOV-93

d. **Temporary Duty (TDY).** CI personnel, when certified by their commanders to be performing CI investigative or CI special operational duties in a TDY status, will not be billeted in troop transient billets or be required to use a Government mess when such use would be detrimental to the mission. TDY orders will reflect that the use of Government billeting and mess facilities would be detrimental to the mission.

e. **Applicability.** These provisions apply both overseas and within the United States.

8-9. Weapons

a. CI personnel may carry weapons openly or concealed as required in the performance of peacetime official duties, in accordance with AR 190-14, when authorized by a field grade officer. Commanders will ensure the individual has met the requirements of AR 190-14 and weapons qualification requirements. Weapons storage will comply with current regulatory requirements.

b. During deployments, crisis, transition to war, and hostilities, CI personnel will carry weapons as authorized and required by unit mission.

Section II

Authority of CI Special Agents

8-10. Freedom of movement

If emergency circumstances preclude advance notification, CI special agents assigned to another theater are not required to obtain specific theater clearance from overseas commanders prior to undertaking overseas travel in connection with their official duties. (See AR 1-40, para 1-2 b(5).) In such cases, the senior intelligence officer of the Army theater component command will be notified as soon as possible of the travel.

8-11. Oath administration

A CI special agent is authorized to administer oaths when taking statements. The agent's title for oath administration is "Counterintelligence Special Agent, U.S. Army." Authorities are the Uniform Code of Military Justice (UCMJ), Article 136(b) for military and 5 USC 303(b) for civilian special agents.

8-12. Apprehension authority

a. Pursuant to 10 USC 807-809, 28 USC 535, Rules for Court-martial (RCM) 302, AR 600-40, and this regulation, CI special agents are authorized to apprehend any person subject to the UCMJ, regardless of location, if there is a reasonable belief that the person has committed a criminal offense under USAI investigative jurisdiction. CI special agents are also authorized to conduct investigative stops of any person subject to the UCMJ, regardless of location, if there is a reasonable suspicion that the person has committed a criminal offense under USAI investigative jurisdiction.

b. CI special agents are authorized to detain civilian personnel on military installations or facilities when there is a reasonable belief that the person has committed a criminal offense against the U.S. Army, and that offense is within USAI investigative jurisdiction. CI special agents are also authorized to conduct investigative stops of civilians on military installations or facilities, if there is a reasonable suspicion that the person has committed a criminal offense under USAI investigative jurisdiction. Civilians will be detained only until they can be released to the FBI.

c. Army CI special agents may not apprehend or detain civilians outside the limits of a military installation or facility within the United States. When an apprehension is necessary in the conduct of a CI investigation, an arrest warrant must be obtained and executed by a civil law enforcement officer. CI special agents may accompany the arresting official for the purpose of identifying the person to be arrested and to provide assistance as authorized in AR 500-51.

d. Apprehension of civilians off a military installation or facility outside the United States may be authorized if host nation authorities consent and the proper arrest warrant is obtained.

e. Personnel apprehended by CI special agents will be released to civil or military police, as appropriate, for processing, detention, or confinement.

8-13. Search and seizure authority

a. Searches and seizures within the confines of a U.S. military installation or facility will be conducted in accordance with the Military Rules of Evidence, Manual for Courts-martial (MCM), AR 190-22, or other applicable policy.

b. Searches and seizures outside a military installation or facility in the United States will be conducted in accordance with Rule 41, Federal Rules of Criminal Procedure, 28 CFR 60, and AR 190-22. Coordination with the supporting staff judge advocate and concurrence of the appropriate U.S. Attorney are mandatory prior to seeking a civil search warrant. CI special agents may accompany the civil law enforcement official, who will actually execute the search warrant.

c. Searches and seizures outside a military installation or facility outside the U.S. are subject to SOFA.

8-14. Involvement in civil legal proceedings

Requests for the appearance of CI special agents at depositions or in civil proceedings and for the subpoena of information exempt from release to the public will be processed in accordance with AR 27-40.

8-15. Access to records, information, and facilities

a. Upon presentation of the MI badge and credentials or MI representative credentials, CI special agents and CI assistants will be permitted access to Army records under the provisions of AR 340-21, as required for the conduct of CI investigations or operations. They are also authorized to make extracts or transcripts of specific information obtained from the records custodian. The actual records will remain under the control of the records custodian, who will make either the records or legible certified copies available for judicial, non-judicial, or administrative proceedings.

b. Access to private sector financial records is authorized under 12 USC 3401-3419, 15 USC 1681f, and AR 190-6, provided that the required notifications or exceptions have been executed.

c. Access to records of other Federal agencies is provided for under 5 USC 552.

d. CI special agents and CI assistants will be granted access to all Army facilities when necessary for CI investigations or operations, consistent with the applicable security directive and the individual's access. Persons presenting Special Agent badge and credentials possess a final TOP SECRET security clearance based on a Single Scope Background Investigation.

8-16. CI special agents assigned to Special Mission Units

CI special agents who are authorized the MI badge and credentials, and who are assigned to SMU, may also be issued the SML badge and credentials at the SMU commander's discretion, UP AR 525-17(5).

Chapter 9

The U.S. Army Intelligence Badge and Credential Program

9-1. General

a. This chapter establishes policy for the procurement, issue, use, control, and disposition of U.S. Army intelligence badges and credentials (B&C) and representative credentials. It applies to all active and RC MI units and to personnel authorized to use B&C or representative credentials.

b. B&C and representative credentials identify the bearer as a duly accredited special agent or representative of U.S. Army intelligence who is performing official intelligence duties.

9-2. Program functions

a. The CG, PERSCOM and CG, ARPERCEN—

(1) Notifies the CG, INSCOM of the issuance or withdrawal of the SS1/MOS/civilian CI specialties.

(2) Furnishes copies of SS1/MOS orders on above personnel.

b. The CG, INSCOM—

(1) Manages, and publishes administrative procedures for the USAI badge and credential and the badge trophy programs.

(2) Provides guidance to authorized users of USAI B&C and representative credentials.

(3) Operates the central repository for badges, credentials, credential forms, and associated items.

(4) Supervises the storage, control, accountability, issue, and disposition of badges, and credentials and credential forms: DA Forms 3363 and 3363-1, and DA Form 3363-A.

(5) Periodically inspects custodial accounts

c. Commanders—

(1) Appoint badge and credential custodians, sub-custodians, and their alternates to operate unit B&C accounts.

(2) Conduct semiannual inventories of all badges, credentials, and credential forms issued to the unit account or to unit personnel.

d. The CG, U.S. Army Intelligence Center (USAIC)—

(1) Performs initial credentials processing for USAIC students attending CI courses 35E, 351B, and 97B.

(2) Informs INSCOM and PERSCOM or ARPERCEN when individuals are dropped from USAIC courses.

(3) Establishes procedures for RC intelligence training schools to inform INSCOM and ARPERCEN of SS1/MOS course completion.

(4) Issues B&C to Active Army graduating CI personnel.

e. Persons issued B&C or representative credentials—

(1) Are responsible at all times for safeguarding their B&C or representative credentials unless properly relieved of this responsibility by the custodian, sub-custodian, or alternate.

(2) Are responsible at all times for the proper use of this documentation.

(3) Are required to become familiar with the provisions of this chapter.

9-3. Issue and retention of badges and credentials

B&C will be issued to the following personnel who are at least 21 years old and who possess a final TOP SECRET security clearance based on a Single Scope Background Investigation:

a. Active Army personnel upon graduation from the 35E, 351B, or 97B course. These personnel retain their B&C as long as they are assigned/attached to the HQDA ODCSINT; INSCOM, 650th MI Group, USAIC, division, corps, and theater MACOM intelligence staff offices and supporting intelligence units, the On-Site Inspection Agency; the intelligence staff offices of unified and specified commands; the office of the Deputy Assistant Secretary of Defense (CI&SCM); and details to other service CI agencies or the FBI.

b. U.S. Army civilian employees in job series GS-0132 assigned to CI units and duties, who have successfully completed a U.S. military CI officer/agent course, or non-DOD federal training that HQDA determines is equivalent.

c. RC CI personnel upon activation: those called for duty individually will receive B&C through the Active Army unit custodian, and will turn them in at the end of that duty tour or the end of the mission requiring B&C, whichever is sooner. RC units will include B&C account activation and issue procedures in mobilization plans, and account inactivation and B&C return procedures during demobilization.

d. Active Army B&C holders will return B&C to the central repository when leaving active duty or when reassigned to elements not listed in paragraph 9-3 a. Civilians will return B&C upon out-processing present employer (that is, when records transfer from one civilian personnel office to another or when leaving Army employment). In both cases, B&C must be returned through a B&C account custodian.

e. Additional B&C policy is in AR 381-47(S).

9-4. Criteria for issue of representative credentials

Representative credentials are available for intelligence duties for which a badge is not required/authorized, for use while assigned to the requesting unit.

a. Commanders may request representative credentials for personnel who conduct collection, liaison, or certain other intelligence duties, including—

(1) CI agent-trained personnel who are not yet 21 years old.

(2) MI personnel who hold SS1 35F or MOS 351C, or civilian GS-0132, and are assigned to HUMINT units.

(3) Foreign national employees of MI units assigned to investigative or liaison duties.

(4) Target exploitation (TAREX) personnel

b. Commanders may endorse a detailed description of duties requiring the presentation of intelligence identification through command channels to INSCOM (IAOPS-HU/CI-OC).

c. Requests will include name, rank, SS1/MOS/civilian specialty, Social Security Number (SSN) or local national identification number, duty description, and verification of final TOP SECRET clearance for U.S. personnel or appropriate Limited Access Authorization for foreign national personnel. Requests are subject to the approval of the CG, INSCOM or his designated representative.

d. Additional policy on representative credentials is in AR 381-47(S).

9-5. Initial B&C issue by other than USAIC

a. RC schools will provide written notification to INSCOM and ARPERCEN of SS1/MOS course completion. Initial processing may be accomplished by RC units, or by an Active Army unit if the soldier is an Individual Mobilization Augmentee or Individual Ready Reserve. The following must be included: name, rank, SS1/MOS, SSN, verification of final TOP SECRET clearance, a copy of the SS1/MOS graduation certificate, and a copy of PERSCOM/ARPERCEN orders conferring the SS1/MOS in the request.

b. Units conduct initial processing of civilian personnel, if the civilian was not processed at USAIC. Name, grade, civilian specialty, SSN, verification of final TOP SECRET clearance, and a copy of the civilian's graduation certificate must be included in the request.

c. Representative credentials will be processed and issued only upon the commander's request, submitted and approved per paragraph 9-4.

9-6. Loss of B&C and representative credentials

Loss of B&C or representative credentials may be sufficient basis for disciplinary action and removal from such duties. Upon discovery of loss of a badge, credentials, or blank credential form, the accountable individual will notify his/her immediate superior and will conduct an immediate search of the suspected loss area. The individual's unit will take the following actions:

a. Conduct an immediate recovery search.

b. Notify the B&C Controller by the fastest means available.

c. Investigate the circumstances UP AR 15-6.

d. As appropriate, notify local and national investigative agencies, including a full description of the badge and/or credentials.

e. Forward a summary of the investigative results through command channels to INSCOM. Include a request for relief from accountability and a statement of any disciplinary action taken, including action to remove the responsible individual from the CI program, as appropriate under military or civilian personnel regulations. Relief from accountability will be granted only upon satisfactory review of the investigative results and any corrective actions.

9-7. Misuse of B&C and representative credentials

a. The badge represents the enforcement aspect of CI; its use is, therefore, restricted to CI duties. B&C or representative credentials use for other than official intelligence duties is sufficient basis for disciplinary action and removal from such duties. The following is representative of misuse of the badge and credentials or representative credentials:

(1) falsification, forgery, alteration of, or tampering with intelligence badges or credentials.

(2) Photographing or copying badges or credentials.

(3) Using a badge or credentials to represent oneself as a law enforcement official beyond the jurisdictional limits established by this regulation.

(4) Using a badge or credentials to gain access to information, facilities, or persons not required/authorized in the performance of official duties.

(5) Using a badge or credentials as identification when not on official intelligence duties, for example, in place of a DOD identification card to shop in the post exchange.

(6) Using a badge or credentials to perform functions not within the mission or authority of the element to which an individual is assigned or attached.

(7) Using a badge or credentials to perform functions which may be prohibited under the provisions of AR 381-10.

(8) Using a badge or credentials in an attempt to avoid civil citations, such as off-duty traffic or parking tickets.

b. Upon discovery of an alleged act of misuse, the unit commander—

(1) Will immediately initiate an investigation into the allegations in accordance with AR 15-6.

(2) May withdraw the B&C or representative credentials to custodian/sub-custodian control until the allegations are resolved.

(3) May impose administrative, non-judicial or judicial penalties as recommended by the investigation. Administrative penalties include removal from the CI program.

(4) Will provide through command channels to INSCOM a summary of the investigative results. Include, as appropriate, a statement of any disciplinary or administrative action and/or action to remove the individual from the CI program.

9-8. Central badge and credentials repository

a. The B&C Controller holds badges and credentials of authorized personnel whose current duties do not require their use.

b. The central repository maintains B&C of personnel honorably separated or retired from active duty or USA civilian employment for two years after turn-in. The Controller then destroys credentials and holds the badge another year for issuance under the trophy program, after which the badge is returned to the general inventory.

c. RC unit commanders will regularly provide a roster to the B&C Controller of all assigned personnel who hold a CI SSI/MOS, regardless of whether they are assigned to a CI SSI/MOS duty position. Providing the roster ensures B&C are manufactured and held at the repository until a requirement for their issuance is forwarded.

d. Personnel not on CI duties may choose to return B&C, through an account custodian, to the central repository for safekeeping.

9-9. The Counterintelligence Badge Trophy Program

a. INSCOM will provide an opportunity for personnel who have served in Army counterintelligence to receive a symbol of that service upon retirement or after final honorable separation from Army service or employment.

b. To be eligible for the badge trophy, the applicant must have—

(1) Qualified as a CI special agent as prescribed by the regulations in effect at the time the applicant was trained.

(2) Not had the CI specialty withdrawn for cause.

(3) Received an honorable discharge, be retired, or resigned under favorable conditions.

(4) Been released/retired from the Reserve Components.

c. The trophy is provided at the individual's own expense.

Chapter 10 Intelligence Polygraphs

10-1. General

Army intelligence investigations and operations depend on relevant evidence and dependable information, secured through skillful investigations and interrogations. The polygraph examination is an aid to support other investigative means, and will not be used as the only investigative tool. Use of the polygraph examination in conjunction with Army intelligence activities must conform to the policy in this chapter, app E, and AR 195-6.

10-2. Use of intelligence polygraph examinations

Intelligence polygraph examinations are authorized for the following:

a. *CI investigations.* Civilian, military, contractor and other personnel may be requested to submit to a polygraph examination in connection with a CI investigation, provided that—

(1) Investigation by other means has been as thorough as circumstances permit;

(2) Information development via a polygraph examination is essential to the investigation;

(3) The potential examinee has been interviewed, and there is reasonable belief that he has knowledge of or was involved in the matter under investigation.

b. *Foreign intelligence and CI operations.* These operations determine the suitability, reliability, or credibility of agents, sources, or operatives.

c. *Personnel security investigations.* These investigations are conducted to—

(1) Verify background information when it cannot be verified by other means;

(2) Resolve credible derogatory information, when this information causes substantial doubt as to whether access or continued access to classified information is clearly consistent with the interests of national security, and the derogatory information cannot be resolved in any other manner.

(3) Ensure that foreign national access to sensitive or classified information is clearly consistent with the interests of national security. Such examinations should not be authorized if they would violate the laws of the host country or any security agreement between the United States and the host country.

d. *Access to sensitive compartmented information (SCI).* When operational exigencies require a person's immediate access to SCI before completion of a PSI, a polygraph may be conducted provided that—

(1) Appropriate exceptions to SCI policy are approved,

(2) A PSI has been initiated, and

(3) The examination scope is limited to the topics used in a CI scope polygraph examination.

e. *Excuspation.* When the subject of a personnel security or CI investigation requests a polygraph, and the examination is considered essential to a just and equitable resolution of the matters under investigation. The subject should support the request in writing, citing specific details countering the investigative findings.

f. *Non-DOD polygraph support.* Non-DOD agencies may request intelligence polygraph support through DOD. If DOD approves, the appropriate service polygraph component will be tasked to provide that support.

g. *CI scope polygraph (CSP) examinations.* (See app E) CSP may be used to determine the initial and continued eligibility of military, civilian, and contractor personnel for—

(1) Access to specifically designated SAPs.

(2) Access to specifically designated TOP SECRET information.

(3) Employment/assignment to DIA in designated critical intelligence positions.

(4) Access, employment, assignment or detail to the National Security Agency (NSA); access to sensitive cryptologic information; or access to NSA spaces where sensitive cryptologic information is

CI SPT BN

DEPARTMENT OF THE ARMY
Counterintelligence Support Battalion (Provisional)
902d Military Intelligence Group
Fort George G. Meade, Maryland 20755-5998

IAGPA-C-U

21 Oct 930

MEMO FOR Commander, 902d MI Group, ATTN: S-3, Fort Meade,
Maryland 20755

SUBJECT: Civil Disturbance 902d Guidance Package

1. Reference 902d MI Group Staffing Sheet SAB
2. The following is submitted in response to reference above.

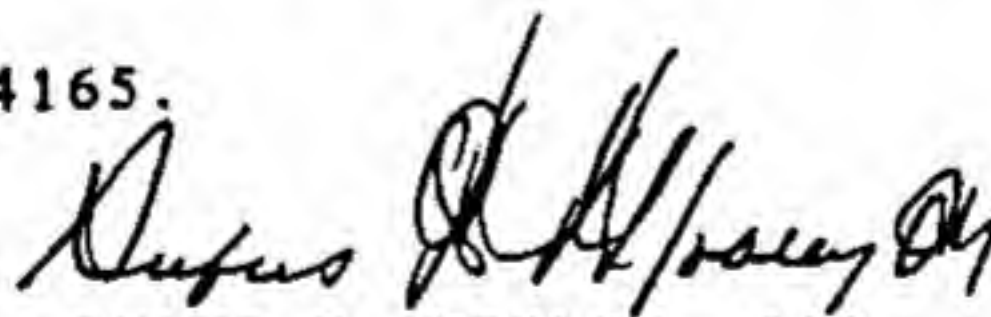
a. Does the Group require any additional training to support Garden Plot?

If CI Support Battalion personnel are used in support of Garden Plot operations, recommend that a short refresher course concerning Garden Plot rules of engagement be developed. Such a course should cover legal issues, safety issues, a geographical orientation and an operational situation briefing prior to dispatch to the area.

b. I non-concur with guidance package as presented for the following reasons.

Recommend that the DA policy concerning non-utilization of badge and credentials be revisited. Agree that badges and credentials should NOT be used for any investigative reason during Garden Plot support; however, B&Cs can be helpful for identification purposes during operational liaison. There is at least one instance during the Los Angeles riots where the use of B&Cs alleviated a very tense situation. Mr. Tom Stetz was present and can provide first hand information concerning the situation.

3. POC is Mr. Pearce, x4165.


RUFUS F. MOBLEY, III
MAJOR, MI
S-3



Sgt BN
DEPARTMENT OF THE ARMY
MILITARY INTELLIGENCE BATTALION (COUNTERINTELLIGENCE) (SECURITY)
USAINSCOM, 902D MILITARY INTELLIGENCE GROUP
FORT GEORGE G. MEADE, MARYLAND 20755-5925



REPLY TO
ATTENTION OF:

IAGPA-B-OP

26 October 1993

MEMORANDUM FOR Commander, 902d MI Group, ATTN: IAGPA-OP-GCAC,
Ft Meade, MD 20755-5910

SUBJECT: Civil Disturbances (GARDEN PLOT)

1. References:

a. HQ DA message, dated 4 April 1993, Subject: Use of CI Personnel During Civil Disturbances.

b. IAGPA-OP memo, dated 19 October 1993, Subject: SAB.

2. I non-concur with the package as presented. Both references indicate Badge and Credentials (B & C's) will not be used in support of Law Enforcement missions. This must be readdressed and changed as B & C's are critical in establishing bone fide's, especially during initial liaison contact and meetings. Additionally, 902d CI personnel must not be limited to liaison with just "local law enforcement activities" as stated in reference b, but must include close and continuous liaison with Federal Agencies, more specifically the FBI. Terminology used in the 902d Group memo should be consistent with the HQDA message (i.e. LEA in reference a is Law Enforcement Agencies not Law Enforcement "activities", as stated in reference b).

3. If the 902d MI Group is tasked to support GARDEN PLOT in the future, recommend a class be given on the types of reports civilian law enforcement agencies generate so that our CI Agents will be familiar with where to locate information of possible intelligence value for input to the JTF INTSUM.

4. POC is the undersigned, DSN 923-7885/7.


SUSAN CROSS
MAJ, MI
S3

IAGPA-A-OP

28 OCT 93

MEMORANDUM FOR Commander, 902d MI Gp, ATTN: IAGPA-OP-P, Ft
Meade, MD 20755-5910

SUBJECT: 902d Civil Disturbance Guidance Package

1. Reference Memorandum, HQ, 902 MI Gp, Subject Civil Disturbance (GARDEN PLOT), Dtd 19 OCT 93
2. We understand and concur with the guidance package as presented.
3. We do not require any additional training at this time to support GARDEN PLOT.
4. My POC for this action is CPT Todd Oja, at ext. 72045.


MICHAEL D. BISACRE
MAJ, MI
63



HEADQUARTERS, 902D MI GROUP
INSCOM

OFFICE OF THE COMMANDER

POT SET BW / Plan Press To TNG
8 OCT 93

S3

Re: Garden Plot guidance

1. Observe - this message went down to the CPT Krum level.
2. Request for support came from the Corps Commander level...
3. If FORSCOM J-2, D/J-2 or Chief have agreed to attached -- get me their OKs!
4. There MUST be something in writing on Mr. Thomas' desk w/ some FORSCOM GO's OK on it... get it pls.
rs as.



HEADQUARTERS, 902D MI GROUP
INSCOM
OFFICE OF THE COMMANDER

7 Oct 93

S3

RE: Garden Plot

- Attached is briefing prepared by last 902d team to play Garden Plot... May '92.
 - Look @ last 5x pps... starter @ clip.
 - Please share w/ C. As you are aware... nobody will care if we don't.
- YXS RAS

01 03 161500Z APR 93 PP PP UUUU

DAMI-CIC

HQDA WASHINGTON DC//DAMI-CI//
CDRUSAINSCOM FT BELVOIR VA//IAOP'S/IAOP'S-CI//
CINCPOR FT MCPHERSON GA//FCJ2/FCJ2-CI//
JNIO HQDA WASHINGTON DC//DAMO-OPS/DAMO-ODL/DAMI-IO/
DAMI-PO/DAMI-FIO/DAJA-IO/SAGC//
(MC WASHINGTON DC//CI/CIC//
ZLN/DJA WASHINGTON DC//DIW-3D//

U N C L A S

SUBJECT: HQDA POLICY ON USE OF ARMY MILITARY INTELLIGENCE (MI)
PERSONNEL DURING CIVIL DISTURBANCES

- A. 10 UNITED STATES CODE, SECTIONS 331-335
- B. E.O. 12333, "UNITED STATES INTELLIGENCE ACTIVITIES," DEC 81
- C. DOD 5240.1-R, "PROCEDURES GOVERNING THE ACTIVITIES OF DOD INTELLIGENCE COMPONENTS THAT AFFECT UNITED STATES PERSONS," DEC 87
- D. AR 381-10, "US ARMY INTELLIGENCE ACTIVITIES," AUG 84
- E. AR 381-70, "THE ARMY COUNTERINTELLIGENCE PROGRAM," APR 87
1. THIS MESSAGE PROVIDES HQDA POLICY REGARDING THE USE OF MI PERSONNEL AS PART OF DEPLOYING FORCES IN SUPPORT OF CIVILIAN LAW ENFORCEMENT AGENCIES (LEA) TO SUPPRESS INSURRECTION, RIOTING OR OTHER CIVIL DISTURBANCES, BASED UPON THE PRESIDENT'S AUTHORITY IN REFERENCE A. THIS POLICY IS IN EFFECT AS OF THE DATE TIME GROUP OF THIS MESSAGE AND CHARLIE'S ANNEX B (INTEL) TO OPLAN GARDEN PLOT.

Nicholas J. Ciccarelli
T. O'NEIL, MAJ, MT, DAMI-CIC, 58912

N. J. CICCARELLI O, COL, GS, DAMI-CI, 73934

02 03 161800Z APR 93 PP PP UUUU

DAMI-CIC

2. AT THE DIRECTION OF THE SUPPORTED CINC AND WHEN OPLAN GARDEN PILOT IS IN EFFECT, MI PERSONNEL MAY BE USED TO SUPPORT CIVIL DISTURBANCE MISSIONS DESCRIBED IN PARAGRAPH 1. MI PERSONNEL WILL NOT CONDUCT INTELLIGENCE ACTIVITIES AS THEY ARE DEFINED IN RII II, C, D, F.

3. IN REGARD TO COUNTERINTELLIGENCE (CI) PERSONNEL, THE FOLLOWING GUIDELINES ARE ESTABLISHED:

A. THE PRIMARY MISSION OF CI PERSONNEL IS TO PROVIDE SUPPORT TO UNIT FORCE PROTECTION EFFORTS BY CONDUCTING CLOSE AND CONTINUOUS LIAISON WITH CIVILIAN LEA, WHICH ARE THE PRIMARY INFORMATION COLLECTORS.

B. CI PERSONNEL MAY PROVIDE ADDITIONAL SUPPORT TO LEA ONLY AFTER COORDINATION WITH THE TASK FORCE'S SENIOR INTELLIGENCE OFFICER AND LEGAL ADVISOR, AND APPROVED BY THE TASK FORCE COMMANDER'S DESIGNATED LAW ENFORCEMENT REPRESENTATIVE. THIS SUPPORT MAY INCLUDE INVESTIGATIVE SKILLS, ANALYSIS OF CRIMINAL INFORMATION AND SITUATION DEVELOPMENT.

C. CI PERSONNEL WILL NOT USE BADGES AND CREDENTIALS IN SUPPORT OF LAW ENFORCEMENT MISSIONS. IT IS IMPERATIVE THAT ALL PERSONNEL UNDERSTAND THE SENSITIVITIES CONCERNED WITH PAST EMPLOYMENTS OF ARMY INTELLIGENCE ASSETS IN DOMESTIC CIVIL DISTURBANCE SITUATIONS. EVERY PRECAUTION MUST BE TAKEN TO ENSURE THAT CI PERSONNEL WILL NOT CONDUCT

03 03 161000ZAPR 93 PP PP UUUU

DAMI-CJC

ACTIVITIES WITHOUT THE PRIOR APPROVAL OF THE TASK FORCE COMMANDER'S
LAW ENFORCEMENT REPRESENTATIVE.

4. BASED ON THE AFOREMENTIONED GUIDELINES AND RESTRICTIONS, THE USE
OF MILITARY POLICE SHOULD BE STRONGLY CONSIDERED PRIOR TO REQUESTING
NON-ORGANIC (C) SUPPORT.

5. POC IS MAJ O'NEILL, DSN: 225-8912, COMM (703) 491-4707.

8



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
FORT BELVOIR VIRGINIA 22060-5370



REPLY TO
ATTENTION OF

IAOPS-HU/CI (381-3b)

28 MAY 1993

MEMORANDUM FOR Deputy Chief of Staff for Intelligence, ATTN:
DAMI-CIC, Washington, DC 20310-1001

SUBJECT: HQDA Policy On Use of Army Military Intelligence (MI)
Personnel During Civil Disturbances

1. Reference memorandum, HQDA, DAMI-CIC, 13 May 93, subject: SAB.
2. The draft policy as written does not require MI personnel to have a counterintelligence (CI) Military Occupation Specialty (MOS) to conduct liaison with Law Enforcement Agencies (LEA). All MI personnel are equally capable of performing this mission, particularly when the use of badge and credentials is not permitted. Recommend that paragraph 3 of draft be changed to read "the following guidelines for the use of MI personnel are established:" and that "CI" be changed to "MI" in sub-paragraphs 3a and 3b.
3. Recommend that the reference in paragraph 3b to CI personnel employing their investigative skills in support of LEA be deleted. CI personnel should only investigate criminal activity under exceptional circumstances and should not be involved in any manner in the criminal investigation of persons under civilian jurisdiction.
4. Recommend that the second sentence in paragraph 2 be changed to read, "Therefore, MI personnel are not conducting intelligence activities as defined in reference b,c,d and e; but are acting in a law enforcement capacity in support of Law Enforcement Agencies."
5. Upon implementation of this Army policy, INSCOM would deploy supporting CI assets only in the most exceptional situations, since as written, this is clearly a Military Police/Provost Marshal function.

Joe T. Stroud, Jr.
JOE T. STROUD, JR.
Colonel, GS
DCSOPS

48

Encl 12

INFORMATION PAPER

SUBJECT: CI Support to Civil Disturbances

1. References:

a. DoD Dir 5200.27, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons.

b. AR 380-13, Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations.

c. AR 381-20, U.S. Army Counterintelligence Activities.

d. AR 500-51, Support to Civilian Law Enforcement.

e. AR 190-45, Law Enforcement Reporting.

f. Coordinating Draft - Second iteration, Annex b (Intelligence) to Department of the Army Civil Disturbance Plan

2. Purpose. To provide information concerning new CI Missions; Counterintelligence Support to Civil Disturbance.

3. Discussion.

a. From 30 April to 10 May 1992, the 902d MI Group responded to I CORPS request for intelligence support during Operation Garden Plot. I CORPS and the 7th Infantry Division from Fort Lewis, Washington were alerted and deployed in response to the Los Angeles civil unrest precipitated by the "Not Guilty" verdict in the Rodney King trial of police impropriety.

b. The 902d mission was to provide tailored intelligence support. The support consisted of a CI team to assist the JTF J2 (7ID G2) in CI/Liaison/security assistance to the deployed force. Additionally, as disturbances spread up the west coast, the CI team provided timely CI support by conducting coordination with local law enforcement agencies which enabled the Task Force elements to respond quickly and appropriately to local incidents.

c. Liaison was established with the JTF-LA J2 and 40th ID G2. The facilities and equipment of the J2 and G2 tactical operations centers were made available for use as required.

d. Formal intelligence oversight training was conducted for approximately 30 military personnel from the J2/G2 staffs. The training concentrated on the background and history of the intelligence oversight process; the rules on collection, retention and dissemination of information on US persons and how it applied to the intelligence files of the J2/G2 staffs;

responsibilities of the intelligence oversight officer; DoD policy guidance and interpretation pertaining to collection and reporting on US person activities during a civil disturbance; the requirements of AR 381-10 pertaining to an annual files review and annual training requirements; the role of law enforcement and the ability to retain criminal information in law enforcement files that is not authorized to be retained by intelligence components or intelligence staffs; and the intelligence annex to GARDEN PLOT.

e. Guidance on the receipt of information from cooperating sources (i.e., FBI, Los Angeles Police and County Sheriffs Departments, etc.) and how this information could be incorporated into the J2/G2 originated documents and files was provided.

f. Counterintelligence support to civil disturbances are outlined in the above references. Currently, coordination and discussion is ongoing to determine policy concerning the collection of intelligence and which agency(s) is responsible/authorized to collect. At this time as stated in reference f, U.S. Army intelligence agencies are considered an information sharing agency. Local Enforcement Agencies will be the primary intelligence collectors.

4. Bottom Line. Department of the Army is currently attempting to redefine Army CIS role in support of civil disturbances by rewriting/revising reference f.

CW2 Hyer/X1086

15 July 1992

MEMORANDUM FOR Cdr, 902d MI Gp, ATTN: IAGPA-IO, Ft Meade, MD 20755

SUBJECT: Review of Annex B (Coordinating Draft), Garden Plot

1. In addition to the intelligence oversight concerns we discussed in our meeting, the following are my comments after reviewing Annex B (Coordinating Draft) to Garden Plot.

a. Garden Plot (GP) operation plan.

(1) Observation: The 902d MI Gp does not have a copy of the current GP plan on file.

(2) Discussion: We cannot adequately review Annex B of the plan without first reading the base document--intelligence cannot operate in a vacuum. We also need the basic document so a 902d MI Gp implementing plan can be written, or at the least so that existing plans and SOPs can be reviewed to ensure that they are operationally and legally sufficient to implement GP.

b. Use of MI assets in a law enforcement role.

(1) Observation: The draft Annex B, E.O. 12333, AR 381-10, and the DoD General Counsel memo in our GP packet refer to the use of MI assets in a "law enforcement" role.

(2) Discussion: What is a MI agent's law enforcement role for the purposes of GP? At what time do these agents become law enforcement assets in support of the JTF? Several possibilities exist: on order of SecArmy, when martial law is in effect, etc. Is this a phase in the basic OPLAN, or should we write it into Annex B? The issues of when we become law enforcement assets, and exactly which law enforcement functions we can then perform, need to be spelled out in Annex B. Regarding which functions we can perform, it may be easiest to use Army guidance already on the street (for instance: on order, MI agents working for a GP JTF could fall under the purview of AR 380-13).

c. Aerial reconnaissance.

(1) Observation: The draft (like the old Annex B) requires that requests for aerial recon be forwarded to the Operating Agent/Supported CINC for approval and then to Air Force Airlift Readiness Section (ARS).

IAGPA-OP

Subject: Review of Annex B (Coordinating Draft), Garden Plot

(2) Discussion: Does this apply to hand-held photos taken by Army aviation assets? If not, then this exception should be specified in the annex. If so, then the maneuver commanders have been hampered in the execution of their mission. No brigade or division commander should be prevented from doing a leader's recon in an OH-58 or other Army aviation asset accompanied by hand-held still photos or video cameras. A strict interpretation of the draft annex would preclude commanders from exercising this option.

2. Point of contact is the undersigned.

Hs 11
EDMUND M. GLABUS
CPT, MI
USA

CF: Deputy S3

ANNEX B (INTELLIGENCE) TO CINCFOR CIVIL DISTURBANCE PLAN (GARDEN PLOT)

- References:
- A. Annex B (Intelligence) to DOD Civil Disturbance Plan.
 - B. AR 380-13, Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations.
 - C. AR 381-10, U.S. Army Intelligence Activities.
 - D. AR 381-20, U.S. Army Counterintelligence (CI) Activities, Chapter 8, Liaison and Coordination with the Federal Bureau of Investigation.
 - E. FORSCOM Reg 350-1, FORSCOM Training Directive.
 - F. FORSCOM Supplement to AR 115-11, Army Topography (U).

1. SITUATION.

a. Civil disturbances beyond the capability of State and municipal civil authorities to control may occur and result in commitment of Federal forces. Intelligence is needed before, during and after commitment/deployment of Federal forces.

b. The Attorney General coordinates all Federal Government activities during a domestic commitment of military forces in responses to a situation. Within the Department of Justice (DOJ), the lead agency for the operational response is the FBI. DOJ is the primary Federal agency responsible for the collection, use, retention and dissemination of civil disturbance information. Therefore, except as authorized below or by references (a) through (d), no Army component will collect, use, retain or disseminate civil disturbance information relating to a U.S. person or organization.

2. PLANNING. Acquisition and current maintenance of the following information by CINCFOR is authorized when acquired by consent or through publicly available sources.

a. An up-to-date list of the names and positions of local, State and Federal officials whose duties are directly related to the control of civil disturbances.

b. Information on public, commercial, and private facilities which may provide support during a disturbance and which are potential targets for persons and organizations engaged in civil disorders.

ANNEX B (INTELLIGENCE) TO CINCFOR CIVIL DISTURBANCE PLAN (GARDEN PLOT)

3. **EXECUTION.** CINCFOR or a task force commander may be called upon in two situations to collect or process civil disturbance information:

a. In potential civil disturbances with the likelihood for military involvement. Whenever the DOJ determines that a civil disturbance is imminent, and military involvement is likely, it will provide information to Deputy Chief of Staff for Intelligence (DCSINT), DA. The DCSINT will analyze the information and provide it to Deputy Chief of Staff for Operations and Plans (DAMO-ODS), DA. Information will be provided CINCFOR and task force commander for adequate planning or preparation to respond to a civil disturbance.

b. During the tactical phase of an operation involving Federal military force. In such a circumstance, the TF commander is authorized to task the appropriate Army component to gather intelligence in support of tactical operations.

(1) The U.S. Army Intelligence and Security Command (INSCOM) is the primary counterintelligence (CI) resource available to TF commander. TF Commander will not use other CI resources unless specifically directed by HQDA. He may liaison directly with DOJ/FBI if prior authorization from HQDA (DAMI-CI) or J2, CINCFOR is obtained.

(2) CINCFOR will provide intelligence personnel to support the TF commander (to include intelligence staff personnel and other intelligence or counterintelligence specialists).

(3) Collection of information by intelligence personnel about U.S. persons and organizations will be IAW AR 381-10, procedure 2. Collection of information about U.S. persons and organizations by nonintelligence personnel (PM, OPS, et al) will be IAW AR 381-13.

(4) No information will be collected about a person or organization solely because of lawful advocacy of opposition to government policy.

c. Postoperations (after action).

(1) All information identifying U.S. persons or organizations must be handled in accordance with AR 381-10.

--

ANNEX B (INTELLIGENCE) TO CINCFOR CIVIL DISTURBANCE PLAN (GARDEN PLOT)

(2) After action reports and similar historical summaries may be retained permanently. References to organizations and individuals not affiliated with DOD will be deleted from after action reports.

4. MAPS, AERIAL PHOTOS AND WEATHER SUPPORT.

a. Maps. Planning and operational map requirements will be requisitioned in accordance with reference f.

b. Requests for aerial reconnaissance will be forwarded to HQDA (DAMO-ODS) using prescribed format Appendix 2, Annex B.

c. Request for weather support will be in accordance with Appendix 1, Annex B.

5. REPORTS.

a. Intelligence summaries will be provided by the TF commander using guidance at Annex R, Appendix 7.

b. Spot intelligence reports will be provided using format at Annex R, Appendix 6.

c. HQ, CINCFOR (FCJ2-IO) will be an info addressee on all intelligence reports and summaries submitted to HQDA. If troops/installations belonging to TRADOC are involved, HQ, TRADOC (ATOR-I) will be an info addressee.

Appendix 1 - Weather Support

Appendix 2 - Aerial Reconnaissance Request

APPENDIX 1 (WEATHER SUPPORT) TO ANNEX B (INTELLIGENCE) TO CINCFOR
CIVIL DISTURBANCE PLAN (GARDEN PLOT)

1. PURPOSE. This appendix provides general guidance regarding weather support to the task force headquarters (TF HQ).

2. GENERAL. Staff Weather Office (SWO) is functionally aligned with and under staff supervision of TF HQ G-2 in both peacetime and wartime organizational structures. Weather support operations are detailed in AR 115-10, Meteorological Support for the U.S. Army.

3. EXECUTION. When a situation or crisis requires establishing a TF HQ in support of GARDEN PLOT, SWO will provide or arrange liaison weather information to TF HQ through TF HQ G-2. Functions that could be supported include:

a. Monitoring weather situations at GARDEN PLOT locations (TF HQ, TF BDE, TF BN) and providing remote weather briefings to TF HQ staff from home station.

b. Providing staff input on all weather matters from home station.

c. Initiating action to provide weather services and/or personnel, as required.

4. ACTIVATION. TF HQ SWO will accomplish all actions necessary to support TF HQ by providing weather services identified in paragraph 3 above from home station.

APPENDIX 2 (AIR RECON REQUEST) TO ANNEX B (INTELLIGENCE) TO
CINCFOR CIVIL DISTURBANCE PLAN (GARDEN PLOT)

AIR RECONNAISSANCE REQUEST

1. FROM (Requesting Agency)
2. DATE/TIME
3. TO (Agency receiving request)
4. TYPE OF RECONNAISSANCE (photo, visual, other)
5. MAP SERIES AND SHEET NUMBER
6. DESCRIPTION OF TARGET AND RESULTS DESIRED
7. OBJECTIVE OF REQUEST AND RESULTS DESIRED
8. NO. OF PRINTS, PLOTS, MOSAICS, AND/OR REPORTS REQUIRED
9. DELIVERY ADDRESS, DATE AND TIME
10. LATEST ACCEPTABLE TIME AND DATE
11. SPECIAL INSTRUCTIONS: TOT OR OTHER SPECIAL INSTRUCTIONS

***** UNCLAS *****

Incoming Message

CE
Colo C

ZZZCOPD80115DD7775
RTTUZYUW RUEBJFI0072 1681016-UUUU--RUDHAAA.
ZNR UUUUU JS
ZKZK RR LQHI DE
R 021100Z JUL 92
FM CDR902DMIGP FT GEORGE G MEADE MD //IAGPA-OP//
TO CDRINSCOM FT BELVOIR VA //ADCOFS-CI//
BT

UNCLAS

QQQQ

SUBJECT: GARDEN PLOT

A. FM 19-15 CIVIL DISTURBANCES.

B. AR 381-10 US ARMY INTELLIGENCE ACTIVITIES.

2. REQUEST HQ INSCOM INSTITUTE PROCEDURES WHICH WILL ASSURE THE 902DMIG GROUP IS PROVIDED WITH THE MOST CURRENT AND ACCURATE INFORMATION/INTELLIGENCE AVAILABLE TO HQ INSCOM, IN ORDER TO PREDICT A FUTURE "GARDEN PLOT" SITUATION OR POTENTIAL SITUATION OF CIVIL UNREST. THIS WOULD ALLOW US, WELL IN ADVANCE OF ANY OUT-BREAK OF HOSTILITIES AND THE RESULTING CONFUSION, TO STEER OUR FIELD AGENTS IN THE PROPER DIRECTION FOR THE COLLECTION OF LEGALLY AVAILABLE INFORMATION REQUIRED BY THE 902D FOR ADVANCED PLANNING AND COORDINATION PURPOSES.

3. AS EVIDENCED BY OUR RECENT INVOLVEMENT IN GARDEN PLOT, WE IN THE 902D MUST BE ABLE TO QUICKLY FOCUS ON AND ASSESS POTENTIAL

PAGE 02 RUEBJFI0072 UNCLAS

THREATS TO INSTALLATIONS AND/OR MISSIONS WHICH MAY LEAD TO THE INVOLVEMENT OF US ARMY FORCES IN A CONUS CIVIL DISTURBANCE. OBTAINING AND DEVELOPING THIS TYPE OF INFORMATION IN A TIMELY MANNER REQUIRES A PROACTIVE APPROACH TO BOTH GATHERING AND ANALYZING INFORMATION, AND MUST BE A TOP PRIORITY IF WE ARE GOING TO EFFECTIVELY ACCOMPLISH OUR MISSION TO PROTECT THE FORCE. WE LOOK FORWARD TO WORKING WITH YOU TO IMPROVE THE FLOW OF INFORMATION, AND GREATLY APPRECIATE YOUR ASSISTANCE IN THIS MATTER.

BT

#0072

NNNN

***** UNCLAS *****

59
Encl 9



'The Force Protectors'

Military Intelligence Battalion
(Counterintelligence)(Security)

m
i
b
s

Col Hardy - ^{1 June} ^{29 May} Col Harding 1 June 92

SIR - A copy of the draft LA
brief for your reference. Will
send a copy of the final version
when I get it back from the VI
shop. We're tentatively scheduled
to brief LTC James next Friday,
5 JUN.

Cpl. Harding
We should add
"Garden Plot" to
our METL.

WJ

BT is putting together a
brief for JCScom ^{leather}
we need to take advantage of the good
light in which we find ourselves.
Also brief to JCScom ^{not thing} GO's will pay
dividend. JAH

DEWAYNE L. AHNER
MAJ, MI
EXECUTIVE OFFICER

CI SUPPORT TO

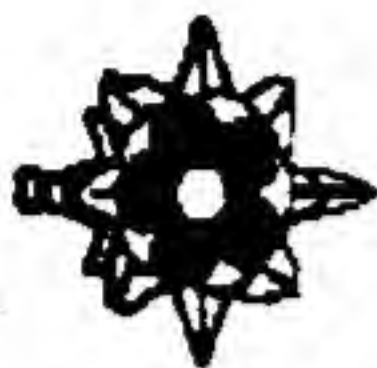
JOINT TASK FORCE - LOS ANGELES



MIBS

BRIEFING AGENDA

- **SEQUENCE OF EVENTS / CHRONOLOGY**
- **SIGNIFICANT ACTIONS**
- **LESSONS LEARNED**
- **RECOMMENDATIONS**



MIBS

SEQUENCE OF EVENTS

- PREDEPLOYMENT PHASE
- DEPLOYMENT PHASE
- SUPPORT PHASE
- REDEPLOYMENT PHASE



MIBS

PREDEPLOYMENT PHASE

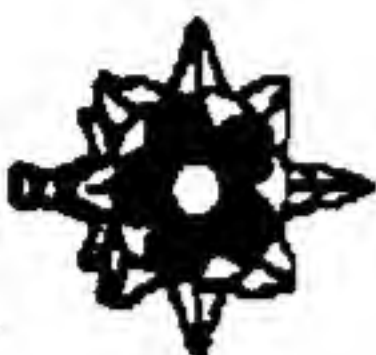
64

- 0900 HRS 1 MAY - SF MID ALERTS BN OF 7TH ID INTEREST
IN SUPPORT FOR DEPLOYMENT TO LA

- 1800 HRS 1 MAY - INSCOM TASKING TO 902ND:

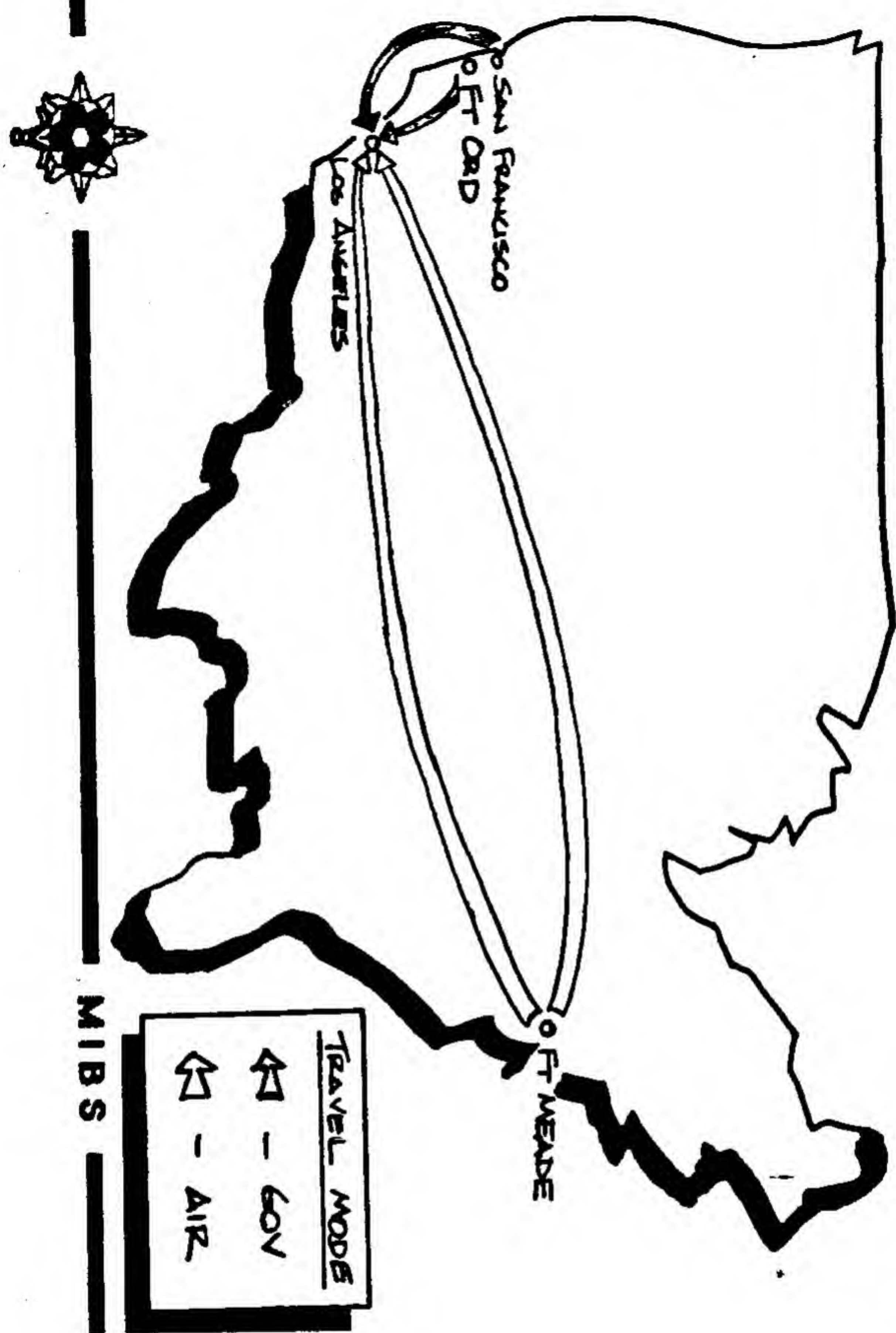
**DEPLOY CI SUPPORT ELEMENT TO PROVIDE LIAISON
BETWEEN JTF & LEA; ADVISE JTF ON INTEL OVERSIGHT
& POSSE COMITATUS.**

- 1830 HRS 1 MAY-0130 HRS 2 MAY - NOTIFICATION & PREPARATION



MIBS

DEPLOYMENT PHASE



DEPLOYMENT PHASE

92

SUPPORT ELEMENT COMPOSITION

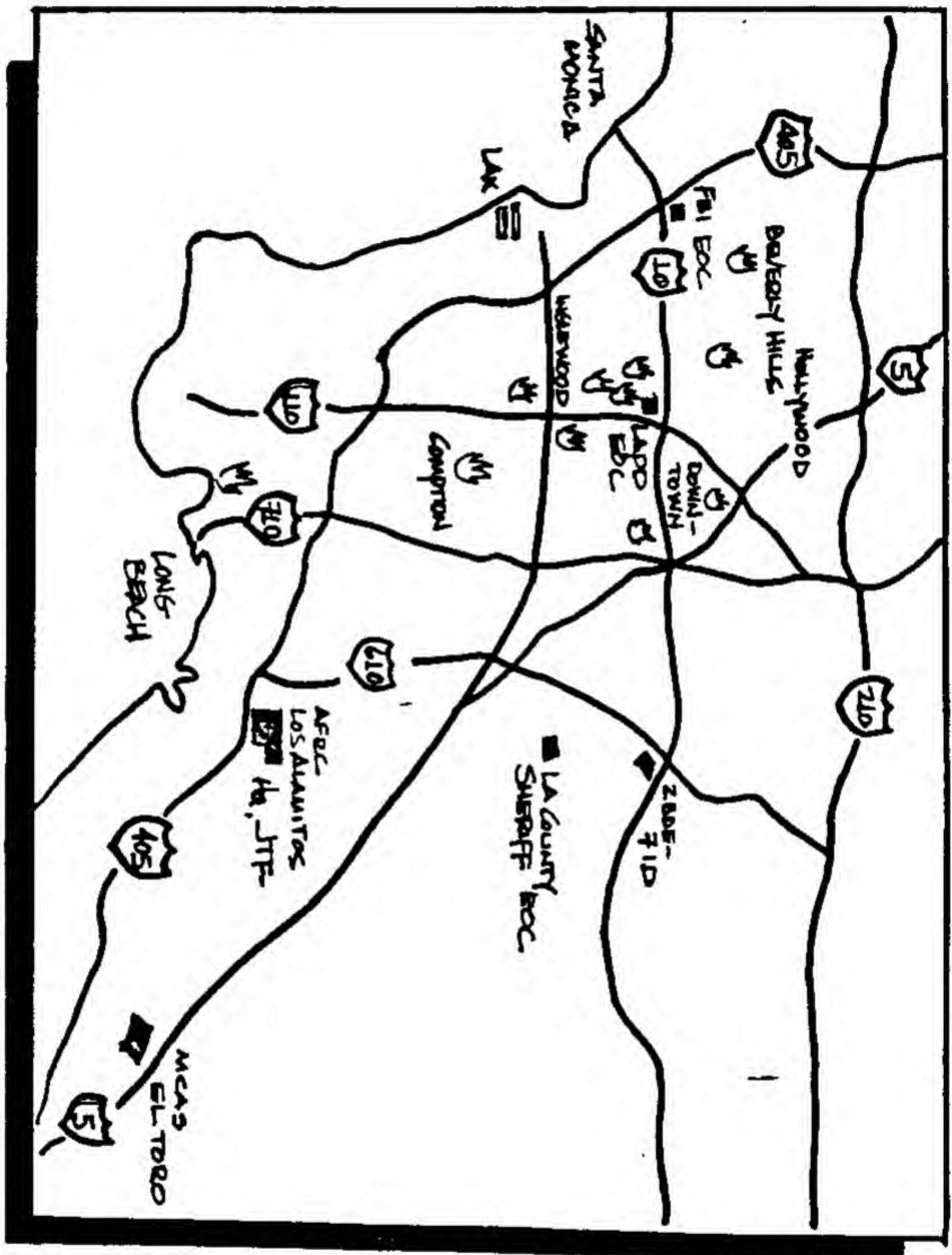
| PERSONNEL | EQUIPMENT |
|---|-----------------------|
| 1 x MAJ (HQ, MIBS) | 2 x GOVS |
| 1 x CPT (SF MID) | 2 x RENTAL CARS |
| 2 x CW3 (SF MID / FT ORD RO) | 1 x LAPTOP PC |
| 1 x SPC (SF MID) | 2 x CELLULAR PHONES |
| 1 x GS1 4 ³ (HQ, 902ND) | 3 x PAGERS |
| 1 x GS12 (FT ORD RO) | 1 x PHONE CREDIT CARD |



MIBS

SUPPORT PHASE

2 - 14 MAY



MIBS

SUPPORT PHASE

68

MAJOR PLAYERS

JTF ELEMENTS

HQ, I CORPS

7TH ID

1ST MEF

40TH ID (CANG)

CIVILIAN AGENCIES

FBI

FEDERAL GANG TASK FORCE

US BORDER PATROL

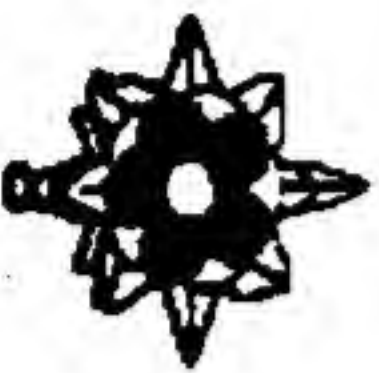
BUREAU OF ALCOHOL, FIREARMS, & TOBACCO

OFFICE OF EMERGENCY SERVICES

HIGHWAY PATROL

LA COUNTY SHERIFF

LA PD



MIBS

REDEPLOYMENT PHASE

69

- 4 MAY - MIBS XO RETURNS TO MEADE
- 9 MAY - PERSONNEL RETURN TO HOME BASES
LEAVE ONE STAY-BEHIND AGENT W/ JTF HQ
- 15 MAY - REMAINING AGENT RETURNS TO FT ORD

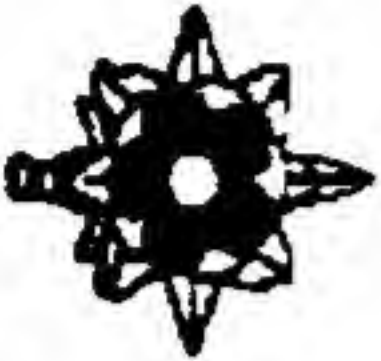


MIBS

SIGNIFICANT ACTIONS

70

- **DEPLOYED TAILORED PACKAGE WITHIN 18 HRS OF NOTIFICATION**
- **FACILITATED INFORMATION FLOW THRU :**
 - **SCHEDULED LIAISON CONTACTS**
 - **DEBRIEFING ASSISTANCE**
 - **ACCESSING STRATEGIC CI DATABASES**
 - **INPUT TO & DISSEMINATION OF JTF INTSUMS**



MIBS

SIGNIFICANT ACTIONS (CONT'D)

71

- PROVIDED INTEL OVERSIGHT ASSISTANCE & TRAINING
- PROVIDED OPSEC EVALUATIONS & ASSISTANCE
- PROVIDED TRAINING FOR ARMY & USMC CI PERSONNEL



MIBS

LESSONS LEARNED

72

Note

- BADGE & CREDENTIALS MUST BE IMMEDIATELY AVAILABLE
- INTELLIGENCE OVERSIGHT ISSUES REQUIRE INCREASED EMPHASIS
- HABITUAL SUPPORT RELATIONSHIPS ARE INVALUABLE TO MISSION ACCOMPLISHMENT
- AREA KNOWLEDGE AND CONTACTS AFFORDED BY 902ND ARE ESSENTIAL
- 902ND FIELD ELEMENTS NEED A 'FLY-AWAY' CAPABILITY



MIBS

LESSONS LEARNED (CONT'D)

BOTTOM LINE -

73

**SUPPORT TO JTF-LA WAS NOTHING REVOLUTIONARY.
IT WAS, INSTEAD, AN EVOLUTION OF SELECTED BASIC
TECHNIQUES USED IN OUR NORMAL CE/SECURITY MISSION
APPLIED IN A NEW CONTEXT.**

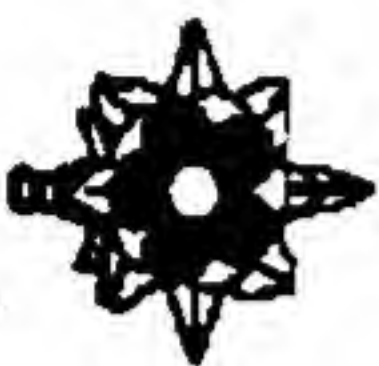


MIBS

RECOMMENDATIONS

74

- REVISE CURRENT B&C POLICY
- INSCOM & 902ND PLAY ACTIVE ROLE IN 'GARDEN PLOT' PLAN DEVELOPMENT
- ADD 'GARDEN PLOT' PLANNING SUPPORT & TRAINING TO C2S2
- DEVELOP & IMPLEMENT 'FLY-AWAY' TEAMS



MIBS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR INTELLIGENCE
WASHINGTON, DC 20310-1001



GARDEN PLOT

DAMI-CI

5 June 1992
(S: 22JUN92)

MEMORANDUM FOR:

OFFICE OF THE GENERAL COUNSEL, ATTN: MR. ROBERT SMITH, DA
OFFICE OF THE JUDGE ADVOCATE GENERAL, ATTN: DAJA-AL/MAJ
PREGENT, DA
DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, ATTN: DAMI-IO/MR.
SINGLETON, DA
DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, ATTN: DAMI-PI/LTC
CAMPBELL, DA
DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, ATTN: DAMI-FI/
MR. NEARY, DA

SUBJECT: Revision of Annex B (Intelligence), Department of
Defense Civil Disturbance Plan

1. Reference DoD Civil Disturbance Plan (GARDEN PLOT), dated 15 February 1991.
2. GARDEN PLOT provides guidance and direction for participation by all DoD components in civil disturbance operations in support of civil authorities. Intelligence support activities are contained at Annex B (encl 1). The current application of EO 12333 (encl 2) and AR 381-10 to Annex B, to further limit the restrictions imposed by AR 380-13 (encl 3) on the intelligence support provided through this OPLAN has been challenged in a November 1990 Office of the General Counsel (OGC) memo (encl 4).
 - a. The key contention is that EO 12333 does not preclude intelligence gathering, processing, storage, and dissemination in support of quelling civil disturbances, nor do its provisions, and those of AR 381-10, relating to these same activities in support of thwarting threats posed by foreign intelligence and security services necessarily apply.
 - b. The OGC asserts that the use of military forces in this context is a law enforcement action against internal disturbances -- not against foreign powers -- and AR 380-13 applies (see para 7, encl 3).
 - c. The OGC recommends revision of the existing Annex B to provide for the reliable and timely support to military force commanders in this role, and ensure proper guidance regarding acquisition, storage, and distribution of civil disturbance information.


DAMI-CI

5 June 1992

SUBJECT: Revision of Annex B (Intelligence), Department of
Defense Civil Disturbance Plan

4. Request your review of Annex B (Coordinating Draft) (encl 5),
GARDEN PLOT, and provide comments and recommendations to DAMI-CIC
NLT 22 June 1992. Request lengthy substantive comments be
provided in both paper copy and WORDPERFECT floppy disk.
Further, request that negative responses be provided in writing.
5. DAMI-CI POC for this action is LTC O'LEARY, DAMI-CIC, X58917.

Encls


JAMES R. LINNEN
Colonel, GS
Director of Counterintelligence
and Security Countermeasures

ANNEX B (INTELLIGENCE) TO DEPARTMENT OF THE ARMY CIVIL
DISTURBANCE PLAN

1. REFERENCES.

a. DOD Directive 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons.

b. AR 190-45, Law Enforcement Reporting.

c. AR 380-13, Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations.

~~d. AR 581-10, U.S. Army Intelligence Activities.~~

2. SITUATION. The responsibility for the management of the federal response to civil disturbances in the United States, its possessions, and its territories, rests with the Attorney General. The Attorney General coordinates all federal government activities during a domestic commitment of military forces in response to a civil disturbance situation. Within DOJ, the lead agency for the operational response to a civil disturbance incident is the FBI. In light of this, the DOJ is the primary federal agency responsible for the collection, use, retention and dissemination of civil disturbance information.

3. PLANNING. Acquisition and maintenance of the following information by the appropriate command is authorized when acquired by consent or through publicly available sources:

a. An up-to-date list of the names and positions of local, state, and federal officials whose duties are directly related to the control of civil disturbances, as authorized by reference 1c.

b. Information on public, commercial, and private facilities that are assessed by federal or state law enforcement authorities as targets for persons and organizations engaged in civil disorders after declaration of a federal emergency, as authorized by references 1a, 1c, and 1d.

4. EXECUTION. Collection, retention, and dissemination of information by DOD intelligence components concerning U.S. persons or groups responsible for, or participating in, such civil disturbances will be limited to situations where such persons or groups reasonably pose a threat to the physical security of DOD employees, installations, operations, or official visitors.

a. In almost all circumstances, while the civil disturbance will have threatened or caused a temporary absence of civil

100
authorities, the actions of the dissident elements will not pose a direct threat to DOD. In this situation, the activities of intelligence personnel and units will be extremely limited and be bound by the restrictions contained in Executive Order 12333, reference 1a, and its Army implementation, reference 1b. In such a situation, the information collected and disseminated on persons and groups breaking the law will be treated as criminal information (IAW reference 1c) and not as intelligence data.

OK
110. 13
b. While Executive Order 12333, and references a. and d. have been cited above, it must be noted that many of the restrictions imposed on DOD intelligence components are designed to protect the rights of U.S. persons derived from the Constitution and Bill of the Rights as well as other statutory and regulatory documents. As such, these basic rights and freedoms cannot and will not be rescinded merely because an emergency has been declared.

c. In all cases, no information will be collected by intelligence elements about a person or organization solely because of unlawful advocacy of measures in opposition to government policy.

d. Should the actions of the persons or groups causing, or participating in, the disturbance specifically threaten the physical safety of DOD employees, installations, operations, or official visitors, collection activities by DOD intelligence components will still be limited to the use of the least intrusive means. In such cases, this will generally equate to soliciting information from publicly available information and cooperating sources such as federal, state, and local law enforcement agencies.

5. MAPS AND AERIAL PHOTOS.

a. Maps required and available, less those under DA control at the Defense Mapping Agency Topographical Center, will be distributed as requested by the Operating Agent/Supported CINC.

b. Requests for aerial reconnaissance will be forwarded to the Operating Agent/Supported CINC for approval and forwarding to War Force Airlift Readiness Section (ARS). An information copy of the request will be sent to the DOMS and to HQDA (ATTN: DAMI-POI). The following information should be included in any aerial reconnaissance request:

- (1) FROM (Requesting Agency).
- (2) DTG OF REQUEST.
- (3) TO (Agency receiving request).

- (4) TYPE OF RECONNAISSANCE (Photo, visual, other).
- (5) MAP SERIES AND SHEET NUMBER.
- (6) DESCRIPTION OF TARGET AND RESULTS DESIRED.
- (7) OBJECTIVE OF REQUEST AND RESULTS DESIRED.
- (8) NUMBER OF PRINTS, PLOTS, MOSAICS, AND/OR REPORTS REQUIRED.
- (9) DELIVERY ADDRESS, DATE, AND TIME.
- (10) LATEST ACCEPTABLE TIME AND DATE.
- (11) SPECIAL INSTRUCTIONS: TIME ON TARGET (TOT) OR OTHER SPECIAL INSTRUCTIONS.

c. See Annex I for map requirements for planning.

APPENDIX D

Part II, Executive Order 12333

Conduct of Intelligence Activities

2.1 Need. Accurate and timely information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

2.2 Purpose. This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

2.3 Collection of Information. Agencies within the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures established by the head of the agency concerned and approved by the Attorney General, consistent with the authorities provided by Part I of this Order. Those procedures shall permit collection, retention and dissemination of the following types of information:

a. Information that is publicly available or collected with the consent of the person concerned;

b. Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the FBI or, when significant foreign intelligence is sought, by other authorized agencies of the Intelligence Community, provided that no foreign intelligence collection by such agencies may be undertaken for the purpose of

acquiring information concerning the domestic activities of United States persons;

c. Information obtained in the course of a lawful foreign intelligence, counterintelligence, international narcotics or international terrorism investigation;

d. Information needed to protect the safety of any persons or organizations, including those who are targets, victims or hostages of international terrorist organizations;

e. Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other agencies of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting;

f. Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

g. Information arising out of a lawful personnel, physical or communications security investigation;

h. Information acquired by overhead reconnaissance not directed at specific United States persons;

i. Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local or foreign laws; and

j. Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to each appropriate agency within the Intelligence Community, for purposes of allowing the recipient agency to determine whether the information is relevant to its responsibilities and can be retained by it.

2.4 Collection Techniques. Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Agencies are not

80 ENCL 2

D-1

1 July 1984

authorized to use such techniques as electronic surveillance, unconsented physical search, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

a. The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

b. Unconsented physical searches in the United States by agencies other than the FBI, except for:

(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession.

c. Physical surveillance of a United States person in the United States by agencies other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a nonintelligence element of a military service.

d. Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

2.5 Attorney General Approval. The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Sur-

veillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.

2.6 Assistance to Law Enforcement Authorities. Agencies within the Intelligence Community are authorized to:

a. Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

b. Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

c. Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency; and

d. Render any other assistance and cooperation to law enforcement authorities not precluded by applicable law.

2.7 Contracting. Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

2.8 Consistency With Other Laws. Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

2.9 Undisclosed Participation in Organizations Within the United States. No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing his intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

a. The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

1 July 1984

AR 381-10

b. The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

2.10 Human Experimentation. No agency within the Intelligence Community shall sponsor, contract for or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and

Human Services. The subject's informed consent shall be documented as required by those guidelines.

2.11 Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2.12 Indirect Participation. No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

COORDINATING DRAFT

ANNEX B (INTELLIGENCE) TO DEPARTMENT OF THE ARMY CIVIL DISTURBANCE PLAN

1. REFERENCES.

- a. DoD Dir 5200.27, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons.
- b. AR 380-13, Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations.
- c. AR 381-20, U.S. Army Counterintelligence Activities.
- d. AR 500-51, Support to Civilian Law Enforcement.
- e. AR 190-45, Law Enforcement Reporting.

2. PURPOSE. This Annex establishes policy and procedures governing general intelligence support to DoD operations related to civil disturbances, to include the acquisition, reporting, processing and storage of information on person or organizations not affiliated with DoD.

3. APPLICABILITY. The provisions of this Plan apply to all military and civilian personnel under the operational control (OPCON) of DoD. DoD personnel under the OPCON of another agency, or detailed, loaned or otherwise not under the OPCON of DoD are exempt from the provisions of this Plan. NOTE: The provisions of Executive Order (EO) 12333, United States Intelligence activities, DoD Directive 5240.2, DoD Counterintelligence, and derivative documents do not apply to, and are not designed to interfere with, law enforcement activities, including civil disturbance activities, undertaken by DoD intelligence components. [Para 2.2, EO 12333, and para A.3, DoD Dir 5240.1-R]

4. GENERAL.

a. The responsibility for the management of the federal response to civil disturbances in the United States, its possessions, and its territories, rests with the Attorney General. The Attorney General coordinates all federal government activities during a domestic commitment of military forces in response to a civil disturbance situation. Within DOJ, the lead agency for the operational response to a civil disturbance incident is the FBI. In light of this, the DOJ is the primary federal agency responsible for the collection, use, retention and dissemination of civil disturbance information.

89

COORDINATING DRAFT

b. DoD policy prohibits acquiring, reporting, processing or storage of information on persons or organizations not affiliated with DoD, except under those circumstances authorized by references 1.a, 1.b and this plan, when such information is essential to accomplish DoD missions.

c. All information gathering activities are subject to the control and general supervision of the Secretary or Under Secretary of the Army.

d. Where acquisition activities are authorized by this plan, maximum reliance will be placed on liaison with domestic civilian investigative agencies, Federal, state and local.

e. These provisions do not apply to authorized criminal investigation and law enforcement information gathering activities (i.e., activities not counterintelligence-related), which are the responsibility of military police and the US Army Criminal Investigation Command. Data collected and disseminated on persons and groups breaking the law will be reported IAW appropriate regulations as criminal information, not as intelligence data. [Para 3.b.6, AR 380-13]

f. Apparent violations of policies set forth in this Plan will be reported by individuals to their superior and to the Inspector General. Commanders will expeditiously report such violations through established command channels to HQDA (DAMI-DOMS) WASH DC 20310.

5. EXECUTION. Army resources may only acquire, report, process or store civil disturbance information concerning nonaffiliated persons and organizations upon receipt of specific prior authorization from the Secretary or the Under Secretary of the Army, except as authorized in paragraph 5.a.3, below. Such authorization will only be granted when there is a distinct threat of a civil disturbance exceeding the law enforcement capability of state and local authorities. Upon such authorization, the procedures regarding limitations on the acquisition, reporting, processing and storing of civil disturbance information, set forth in this Plan will apply.

a. COLLECTION AND ANALYSIS.

1) The US Army Director of Military Support (DOMS), Office of the Deputy Chief of Staff for Operations and Plans (ODCSOPS), HQDA, and the Office of the Deputy Chief of Staff for Intelligence (ODCSINT), HQDA, will be provided threat and early warning information by the Department of Justice. ODCSINT is the only office authorized and responsible for evaluating, analyzing,

COORDINATING DRAFT

processing and dissemination of this information. This authority may be further delegated to the Commander, Joint Task Force (JTF), or his Senior Intelligence Representative, upon written authorization of the Secretary or the Under Secretary of The Army. Any subsequent field collection, processing and reporting of civil disturbance information must have the prior approval of the Secretary or Under Secretary of the Army.

2) Commanders may report the National Guard units under state control and the police units that are "currently employed" as a control force to deal with actual civil disturbances occurring within their geographical area of responsibility. Such reports will not contain information identifying individuals and organizations not affiliated with the Department of Defense and will only be based upon information acquired overtly from local, State, Federal officials or from the news media.

3) As an exception to the above limitations, overt acquisition and current maintenance of the following information by field commanders is authorized:

a) Listing of local, State and Federal officials whose duties include direct responsibilities related to the control of civil disturbances.

b) Data on vital public and commercial installations/ facilities and private facilities believed to be appropriate targets for individuals or organizations engaged in civil disorders.

b. DISSEMINATION.

1) Analyzed reports prepared by ODCSINT in accordance with paragraph 5.a.1, above, will be furnished appropriate field commanders for planning purposes only when specifically directed by the Secretary or Under Secretary of the Army.

2) Analyzed reports will be promptly disseminated within the Army Staff and Army secretariat to those officials responsible for civil disturbance operations.

c. RETENTION. Information acquired in accordance with this Plan will not be retained longer than the period set forth below unless its retention for a greater period is specifically required by law.

1) Civil disturbance information.

COORDINATING DRAFT

a) Civil disturbance information developed or acquired during authorized civil disturbance operations must be destroyed within 60 days after the termination of the civil disturbance, unless otherwise specifically authorized by this Annex.

b) After-action reports and historical summaries of civil disturbance activities conducted by the US Army may be retained permanently, but will avoid references to non-affiliated persons or organizations to the greatest extent possible.

c) Planning information, as described in paragraphs 5.a.1 and 5.b.1, above, may be retained while the information is correct and current.

2) Information related to the protection of Army personnel, functions, and property. Information directly relating to the protection of Army personnel, functions and property may be retained in DoD files subject to annual review and verification IAW AR 380-13. At the time of the annual review, continued retention of information on individuals or organizations not affiliated with the Department of Defense is authorized only if it is determined that the information was acquired lawfully and that the individual or organization falls into one of the following categories:

a) The individual or organization has been connected with an actual example of violence or criminal hostility directed against an Army activity/installation/facility within the previous year.

b) The individual or organization has been connected with an explicit threat to DoD personnel, functions or property within the previous year.

c) The individual's or organization's continuing hostile nature in the vicinity of Army installations continues to provide at the time of the annual review a significant potential source of harm to or disruption of the installation or its functions.

d) The individual or organization has, within the previous year, counseled or published information actively encouraging Army personnel to violate the law, disrupt military activities or disobey lawful regulations or orders.

3) Published documents. Library and reference material generally available to the general public may be retained without limitation. This material will not be maintained or inserted in

COORDINATING DRAFT

subject or name files unless the information is retainable under other criteria authorized by this regulation.

4) Characterizations. Only characterizations provided by the ODCSINT, HQDA, will be maintained on file. These characterizations may be retained until the threat is locally determined to be non-existent or until notification is received from the ODCSINT, HQDA, that it is rescinded or superseded, whichever is sooner. The ODCSINT, HQDA, is responsible for conducting an annual review of all authorized characterizations to verify their currency and validity, and for notifying all recipients when a characterization is rescinded or superseded.

5) Special investigations/operations. Information acquired in the course of an approved special investigation/operation may be retained permanently by the US Army Investigative Records Repository. This includes information properly acquired prior to the conduct of the special investigation/operation and that acquired from any source during the course of the investigation/operation. However, once the special investigation/operation terminates, any new information properly acquired relating to non-affiliated subjects of the prior special investigation/operation is subject to normal retention criteria, including annual verification procedures.

6) Formerly affiliated person. Investigative files of persons who were formerly affiliated with the Department of Defense may be retained for 15 years except that files which resulted in adverse action against the individual will be retained permanently. However, once the affiliation is terminated, acquiring and adding material to the file is prohibited unless and until the affiliation is renewed or the material is otherwise retainable under this paragraph. In the latter instance, any new material is subject to annual verification procedures.

7) Universities conducting Department of Defense research. Possession of a facility clearance by a university does not make the university affiliated for purposes of this regulation. Individual clearance holders at universities are affiliated with the Department of Defense and their investigative files are subject to the same standards for acquisition and retention as are those of other affiliated persons.

8) Filing of retainable information. Inclusion of retainable information in a file relating to a particular DoD installation or facility (rather than in dossiers on a non-affiliated group or person) does not exempt the file from the requirement for annual review and validation. Historical files,

COORDINATING DRAFT

after action reports and other similar non-investigative documents to the maximum extent will avoid inclusion of specific names of non-affiliated persons and organizations that have engaged in activities information about which may be required, reported, processed, and retained under this regulation.

9) Other categories. As specified below, retention of information concerning certain non-affiliated persons or organizations whose activities involve them with DoD is authorized.

a) Activities involving a one-time request for admission to installations. Retention is authorized for 1 year after the event.

b) Activities involving a request that DoD personnel attend or officiate at civilian sponsored meetings or ceremonies as representatives of DOD. Retention is authorized for one year after the event.

c) Information resulting from activities involving requests from members of the public for photos or signatures of commanders, copies of unit insignia, or similar unit data. retention is authorized subject to annual review for pertinency.

d) Information resulting from activities involving an unsubstantiated report from members of the public alleging imminent invasions, terrorist plots and similar events and assorted "crank" files may be retained in excess of one year subject to annual review.

6. PROHIBITED ACTIVITIES.

a. No information will be acquired about a person or organization solely because of lawful advocacy of measures in opposition to US Government policy, or in support of racial and civil rights interests.

b. There will be no electronic surveillance of any individual or organization, except as authorized by law and official directive.

c. No computerized data banks will be maintained containing information on civil disturbances or on persons and organizations not affiliated with the Department of Defense unless authorized by the Secretary or Under Secretary of the Army, and after approval by the Chairman of the Defense Investigative Review Council.

COORDINATING DRAFT

7. RELATIONS WITH OTHER AGENCIES.

a. Nothing in this Plan prohibits either the prompt reporting to law enforcement agencies of any information indicating either the existence of a threat to life or property, or violation of law, or prohibits keeping a record of such a report. Any threat to a person authorized protection by the US Secret Service should be treated expeditiously and reported to the nearest office of the Secret Service.

b. This Plan does not prohibit the receipt of information from all agencies in the course of liaison activities provided:

1) such information is promptly screened; and

2) information not authorized for the retention by this Plan is immediately destroyed.

c. If the operation requires the penetration or the covert or otherwise deceptive surveillance of a domestic civilian organization by DoD personnel, specific advance approval by the Secretary or Under Secretary of the Army must be obtained.

d. A request from another agency for information does not provide authority for actions which would violate the provisions of this Plan.

e. Access to information obtained under the provisions of this Plan will be restricted to any executive agency of the Federal Government, State or local agency having a legitimate "need to know." In doubtful cases, the question of whether access should be provided to a particular agency should be referred to the ODCSINT, HQDA, for resolution.

8. MAPS AND AERIAL PHOTOS.

a. Maps required and available, less those under DA control at the Defense Mapping Agency Topographical Center, will be distributed as requested by the Operating Agent/Supported CINC.

b. Requests for aerial reconnaissance will be forwarded to the Operating Agent/Supported CINC for approval and forwarding to Air Force Airlift Readiness Section (ARS). An information copy of the request will be sent to the DOMS and to HQDA (ATTN: DAMI-POI). The following information should be included in any aerial reconnaissance request:

(1) FROM (Requesting Agency).

COORDINATING DRAFT

- (2) DTG OF REQUEST.
- (3) TO (Agency receiving request).
- (4) TYPE OF RECONNAISSANCE (Photo, visual, other).
- (5) MAP SERIES AND SHEET NUMBER.
- (6) DESCRIPTION OF TARGET AND RESULTS DESIRED.
- (7) OBJECTIVE OF REQUEST AND RESULTS DESIRED.
- (8) NUMBER OF PRINTS, PLOTS, MOSAICS, AND/OR REPORTS REQUIRED.
- (9) DELIVERY ADDRESS, DATE, AND TIME.
- (10) LATEST ACCEPTABLE TIME AND DATE.
- (11) SPECIAL INSTRUCTIONS: TIME ON TARGET (TOT) OR OTHER SPECIAL INSTRUCTIONS.

c. See Annex I for map requirements for planning.

9. VERIFICATION/INSPECTIONS. The person in charge of any headquarters or office in which files are maintained which contain information incident to the execution of this Plan will comply with the verification control and inspections procedures set forth in AR 380-13.

5 JUN 92

8

96
LTC O'LEARY/DAMI-CIC/X58917

REF ID:
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR INTELLIGENCE
WASHINGTON, DC 20310-1001



DAMI-CI

27 May 1992

MEMORANDUM FOR:

OFFICE OF THE GENERAL COUNSEL (ATTN: MR. ROBERT SMITH), HQDA
OFFICE OF THE JUDGE ADVOCATE GENERAL (ATTN: DAJA-AL/MAJ
PREGENT), HQDA
DEPUTY CHIEF OF STAFF FOR INTELLIGENCE (ATTN: DAMI-IO/MR.
SINGLETON), HQDA
DEPUTY CHIEF OF STAFF FOR INTELLIGENCE (ATTN: DAMI-PIP/MS
MOURAS), HQDA

SUBJECT: Intelligence Support to DoD OPLAN - GARDEN PLOT

1. Reference DoD Civil Disturbance Plan (GARDEN PLOT), dated 15 February 1991.

1. This readahead packet contains subject-relevant information and is provided in support of your attendance at a meeting with LTG Owens, DAMI-2A, and MG Pfister, DAMI-2B, in Pentagon Room 2E466, 0930, 28 May 1992.

2. Attendees at the meeting should be prepared to discuss from their respective areas of expertise the opinion provided by the OGC, and its impact on intelligence support activities under GARDEN PLOT operations (imminent and ongoing).

3. Changes to Annex B will be drafted following the outcome of these discussions.

4. POC for this action is LTC O'Leary, DAMI-CIC, X58917.

Encls

James R. Linnen
JAMES R. LINNEN
Colonel, GS
Director of Counterintelligence
and Security Countermeasures

97

Encl 7

INFORMATION PAPER

27 May 1992

SUBJECT: Intelligence Support to GARDEN PLOT

1. Purpose. To provide information regarding intelligence support to DoD Civil Disturbance Plan (GARDEN PLOT).

2. Facts.

a. GARDEN PLOT provides guidance and direction for participation by all DoD components in civil disturbance operations in support of civil authorities. Intelligence support activities are contained at Annex B (Tab A). The Secretary of the Army is the DoD Executive Agent (EA) for military operations in response to domestic civil disturbances. The proponent for this OPLAN is the Director of Military Support (DOMS), and changes to the plan are submitted to DAMO-ODS. The DCSINT proponent is DAMI-PIP.

b. The current application of EO 12333 (Tab B) and AR 381-10 to Annex B, to further limit the restrictions imposed by AR 380-13 (Tab C) on the intelligence support provided through this OPLAN has been challenged in a November 1990 Office of the General Counsel (OGC) memo (Tab D).

- The key contention is that EO 12333 does not preclude intelligence gathering, processing, storage, and dissemination in support of quelling civil disturbances, nor do its provisions, and those of AR 381-10, relating to these same activities in support of thwarting threats posed by foreign intelligence and security services necessarily apply.

- The OGC asserts that the use of military forces in this context is a law enforcement action against internal disturbances -- not against foreign powers -- and AR 380-13 applies (see para 7, Tab C).

- The OGC recommends revision of the existing Annex B to provide for the reliable and timely support to military force commanders in this role, and ensure proper guidance regarding acquisition, storage, and distribution of civil disturbance information.

LTC(P) O'LEARY/DAMI-CIC/X58917

D R A F T

MSG TO: CDR MIBS
CDR TECH BN

SUBJECT: GARDEN PLOT (U)

REFERENCES:

- A. FM 19-15 CIVIL DISTURBANCES
- B. AR 381-10

1. ONE OF THE PAINFUL LESSONS THAT WE LEARNED AS A RESULT OF OUR INVOLVEMENT RECENTLY IN GARDEN PLOT IS THAT WE IN THE INTELLIGENCE WORLD WERE NOT PREPARED, NOR DID WE ANTICIPATE THE SITUATION THAT DEVELOPED. HIND SIGHT SHOWS THAT WE SHOULD HAVE.

2. ONE OF THE WAYS WE CAN ADJUST FOR THAT SITUATION IS TO SENSITIZE ALL OF OUR PEOPLE TO THE NEED TO REPORT POSSIBLE INDICATORS WHICH MIGHT LEAD TO A GARDEN PLOT SITUATION. TO QUOTE FROM FM 19-15, "TO BE USEFUL, COLLECTED DATA MUST BE PROCESSED INTO "INTELLIGENCE". IT MUST BE SEEN IN RELATION TO THE SOCIAL, ECONOMIC, AND POLITICAL CLIMATE OF THE AREA, AND THE LIKELIHOOD OF ACTIVE PARTICIPATION OR SUPPORT FROM THE LOCAL POPULACE."

3. WE HAVE TO FOCUS ON AND ASSESS POTENTIAL THREATS TO INSTALLATIONS AND/OR MISSIONS WHICH MAY LEAD TO THE INVOLVEMENT OR THE USE OF US ARMY FORCES IN A CONUS CIVIL DISTURBANCE. OBTAINING AND DEVELOPING THIS TYPE OF INFORMATION IN A TIMELY MANNER IS A TOP PRIORITY IF WE ARE GOING TO USE THE INFORMATION TO ASSESS THE THREAT .

4. REF A POINTS OUT THAT USEFUL INFORMATION CAN COME FROM

A DIVERSITY OF SOURCES: OPEN SOURCES, LAW ENFORCEMENT SOURCES, MILITARY SOURCES, BUT, AS PROFESSIONAL MILITARY INTELLIGENCE AGENTS, ONE OF THE BEST MEANS IS TO BE CONSTANTLY AWARE OF OUR ENVIRONMENT. THE MORE OBVIOUS SOURCES ARE NEWSPAPERS, TV, RADIO, AND PERIODICALS WHICH MAY PROVIDE BACKGROUND DATA ON PAST EVENTS WHICH MAY BE PREDICTIONS OF FUTURE EVENTS. CIVILIAN LAW ENFORCEMENT SOURCES (LOCAL, STATE, AND FEDERAL), AND MILITARY POLICE SOURCES ROUTINELY PICK UP INFORMATION WHICH MAY BE HELPFUL TO MILITARY PLANNERS WHO HAVE MAY HAVE TO REACT TO CIVIL DISTURBANCES.

5. THIS MESSAGE SHOULD NOT BE CONSTRUED IN ANY WAY TO OPEN THE DOOR TO UNAUTHORIZED COLLECTION OF INFORMATION IN VIOLATION OF AR 381-10. REPORTED INFORMATION MUST NOT INCLUDE LISTS OF GROUPS OR INDIVIDUALS CONSIDERED TO BE US PERSONS AS DEFINED IN PROCEDURE 2, REF B. IT IS AN INSTRUMENT TO EMPHASIZE THE COMMANDER'S DESIRE TO PROVIDE THE MAXIMUM SUPPORT TO COMMANDERS WHO MIGHT BE CHARGED WITH THE MISSION OF EXECUTING GARDEN PLOT OPERATIONS.

6. INFORMATION COLLECTED AS A RESULT OF THIS EFFORT SHOULD BE REPORTED VIA MSG FORMAT (NOT IMFR OR SPOT REPORT UNLESS TIME SENSITIVE), AND ADDRESSED TO THE 902D MI GROUP CHAIN OF COMMAND (NOT HQ INSCOM OR DA).

7. THE ARMY CANNOT GATHER, PROCESS, STORE, OR REPORT INFORMATION ON US PERSONS UNLESS CIVILIAN ACTIVITIES CAN BE LINKED DIRECTLY TO A DISTINCT THREAT OF A CIVIL DISTURBANCE THAT MAY INVOLVE FEDERAL MILITARY FORCES. THE FOLLOWING

RESTRICTIONS APPLY:

- A. COMPUTERIZED DATA BANKS FOR STORAGE OF CIVIL DISTURBANCE INFORMATION ARE ESTABLISHED OR RETAINED ONLY THE WITH APPROVAL OF THE SEC ARMY.
- B. CD INFO RELATING TO PERSONS OR ORGANIZATIONS IS STORED ONLY WHEN DA SO ORDERS IT.
- C. SPOT REPORTS GENERATED BY INFO COLLECTION EFFORTS MUST BE DESTROYED W/IN 60 DAYS AFTER THE DISTURBANCE ENDS.
- D. WHEN A CD ENDS, THE NATURE AND EXTENT OF ALL ACCUMULATED FILES OTHER THAN SPOT REPORTS AND AARS MUST BE REPORTED TO DA. (THE REPORT MUST ALSO RECOMMEND THAT DOJ EITHER RELEASE THE FILES OR DESTROY THEM.
- 7. POC FOR THIS PROJECT IS W. E. PEARCE/DSN 923-6993.

PEARCE

SHALLY



ANCES

NOVEMBER 1985

104

CHAPTER 4

Information Planning and Threat Analysis

Information is the key to developing civil disturbance plans. Who are the demonstrators? When and where will they demonstrate? What are their capabilities and possible courses of action? A civil disturbance task force commander's need for current, valid information cannot be overemphasized. He must learn as much as he can about the participants, their motivations, their strategies and tactics, their targets, and their dedication. The more knowledge he has about the participants, the better equipped he is to counter their actions. He needs sound information to decide how best to use his available resources.

To be useful, collected data must be processed into "intelligence." It must be seen in relation to the social, economic, and political climate of the area, and the likelihood of active participation or support from the local populace. Obtaining and developing intelligence in a timely manner is a top priority in order to use the information to assess the threat. Threat analysis begins with a broad examination of all

information bearing on the security of an installation or a community. It focuses on potential threats. It identifies likely targets and vulnerabilities. Completed, it enables a commander to assess the threat of a civil disturbance to an installation, a mission, or a community. It forms the basis for his operational plans to counteract a civil disturbance.

INFORMATION NEEDS AND SOURCES

Planners must decide what data is needed to develop a threat assessment. They must also develop a list of information sources. Planners must be able to obtain information quickly during a disturbance. And they must have ways to obtain information from many sources at once.

Useful information can come from open sources, law enforcement sources, and military sources. Having a diversity of sources is the best approach. Information from many sources prevents biased behavior.

Open sources of information are perhaps the most overlooked valuable sources of

information. The installation library is usually a good source of information. It may have a wealth of open-source material on past and current political events relating to a disturbance. Newspapers and news periodicals are also good sources of information. They run articles or special sections on events that may lead to or have led to a disturbance. Often, they publish interviews with organizers. These interviews may provide insights into the thoughts, perceptions, and intentions of a crowd's leaders. Radio and television interviews are very informational. And they provide more real-time information than newspapers, which have less flexible deadlines. In some cases, radio and TV

provide live coverage of a disturbance. For this reason access to a TV and a radio is a must.

Law enforcement sources can provide useful information on criminal activists. Provost marshals, military police, and criminal investigators routinely work with criminal information. Information also can be obtained from local, state, and federal law enforcement agencies. Criminal information provided by law enforcement agencies may reveal potential agitators. It also may provide information on criminals or terrorists who may try to exploit a disturbance.

The intelligence community is the most restricted source of information. Liaison

with agencies that routinely collect information or intelligence is needed to know if they can support civil disturbance control operations. The DOD intelligence organizations operate under limitations imposed by regulations and executive orders. Attempts to skirt these restrictions may violate regulations or federal statutes. But intelligence organizations often can provide important, reliable data for operational planning within these limitations. Local MI field offices must be an integral part of all plans. They know the rules for collecting and storing intelligence. And they can provide valuable advice in this area. If any doubts arise about the legality of collecting and storing intelligence, the SJA must be consulted.

INFORMATION RESTRICTIONS

Collecting information related to a civil disturbance is strictly limited to protect the civil rights of people and organizations not affiliated with DOD. Civil disturbance plans and materials must not include lists of groups or people not affiliated with DOD. But lists of local, state, and federal officials who have direct responsibility for the control of civil disturbances are exempt. Data on vital public, commercial, and private facilities that are believed to be civil disturbance targets also are exempt from this prohibition. Information on civilians and civilian organizations can be collected only with specific authorization from the Secretary or the Under Secretary of the Army. Conditions for collecting information include the existence of threats against Army personnel, functions, or property. (See AR 380-13 and AR 381-10.) Civil disturbance information available in public documents, or open source information, may be collected. But specific rules regarding its storage must be followed. Commanders must coordinate with SJA, MI, and USACIDC personnel before collecting any such information.

The Army cannot gather, process, store, or report information on civilians unless civilian activities can be linked directly to a distinct threat of a civil disturbance that may involve federal military forces. Even when information can be collected, certain restrictions apply. The key restrictions include the following:

- Computerized data banks for storage of civil disturbance information are established or retained only with the approval of the Secretary of the Army.
- Civil disturbance information relating to persons or organizations is stored only when DA so orders.
- Spot reports generated by information collection efforts must be destroyed within 60 days after the disturbance ends.
- After-action reports may, for clarity's sake, contain names of people and organizations who were directly involved in the civil disturbance being reported. But the inclusion of names must be kept to an absolute minimum.

- When a civil disturbance ends, the nature and extent of all accumulated files other than spot reports and after-action reports must be reported to DA. The report also must recommend that the Department of Justice either release the files or destroy them.

Classification of information also limits storage, access, and handling. In general, classified information cannot be shared with local and state law enforcement agencies. This restriction can hinder working relationships with these agencies. The law enforcement agency may see the military only as a receiver of intelligence, providing nothing in return. If this problem arises, and time is available, planners can ask the source to release an unclassified version. Secure transmission capabilities *must be used* to discuss any portions of classified information being requested.

If the Department of Justice determines federal intervention in a civil disturbance is likely, information relating to the disturbance is provided to the Army Assistant Chief of Staff for Intelligence. The information is analyzed and then provided to the Director of Military Support

and the task force commander for planning purposes.

Military intelligence collection efforts, except liaison, may begin only when DA so orders. During a civil disturbance, the orders must come through the CSA's personal liaison officer and the task force commander. Covert operations to gather information on nonDOD individuals and groups must be approved by the Under Secretary of the Army. Such approval is on an operation-by-operation basis, and it must come through the personal liaison officer and the task force commander.

When DA approves collection efforts, MI elements establish and maintain liaison with the appropriate local, state, and federal authorities. Using these liaisons, the MI elements collect information on incidents and the general situation. They estimate the civil authorities' ability to control the situation. Based on current plans, they report the results of their collection efforts to DA. They keep the appropriate commander informed. They provide intelligence support to the personal liaison officer and the task force commander. They also recommend other overt collection methods to DA for DA approval.

THREAT ANALYSIS

Threat analysis is a fluid and continuous process. As data for the analysis change, so do the results. Planners must adjust their plans to incorporate changes that occur during the threat analysis.

Three kinds of information are analyzed to produce a valid threat analysis: intelligence and criminal information, threat information, and installation/community vulnerabilities. Intelligence and criminal information provide information on the goals, methods of operation, techniques, strategies, tactics, and targets of individuals and groups. Threat information identifies individuals and groups. Vulnerability information identifies security weaknesses and high-risk targets.

Both subjective and objective information are analyzed. Public perceptions are compared with more objective, measurable information. This can show how much public opinion differs from the objective measurement. Key factors to be analyzed include:

- State of the economy.
- Standard of living.
- Effectiveness of law enforcement.
- Stability of the government and of the population's social and economic situation.
- Morale of the population, their support of the government, and the government's support of them.

Some factors change slowly or infrequently. These factors include the terrain of the area being analyzed and the political and ethnic traits of the population. Dynamic factors like weather, economic conditions, and security and law enforcement resources change often. Some dynamic factors can be controlled. Movements of money and weapons, security of local sites, and allocations of military personnel can all be controlled. But many dynamic factors cannot be controlled. These include the weather and the actions of local law enforcement agencies.

Planners can use the Installation Vulnerability Determining System as an analytic tool. It will help them identify vulnerabilities, set up training priorities, and allocate resources. IVDS was developed to help counter terrorist threats. But by exchanging terms, like demonstrators for terrorists and community for installation, IVDS can be tailored for civil disturbances. IVDS is a guide only. A low score does not necessarily mean that there is not a problem. For detailed information on the IVDS, see TC 19-16.

IVDS assesses:

- The installation's or community's characteristics and its attractiveness as a target for terrorist acts or civil disturbances.
- Status of training.
- Availability of communications.
- Nonmilitary law enforcement resources.
- Time and distance from US military installations that can lend assistance.
- Time and distance from urban areas.
- Geographic region.
- Proximity to foreign borders.
- Access to the installation or the community.
- Population density of the installation or the community.
- Terrain.

There are other techniques for making a threat analysis. Planners can apply a think-like-the-opposition technique and develop plans that the opposition might use. This technique can help identify vulnerabilities and how they could be exploited. Games can be used to develop scenarios to identify the threat and to plan countermeasures. Scenarios can be developed for situations involving passive resistance, blockades, violent confrontations, bombings, arson, hostages, and occupations of buildings. Although scenarios are unlikely to occur exactly as conceived, they are beneficial. They help identify potential problems that can be corrected before a disturbance becomes a reality. Command post exercises and field training exercises are useful methods for training personnel to respond to civil disturbances. CPXs can help identify high-risk targets. They also are useful in training the people who will operate the EOC. An FTX allows planners to assess response capabilities. FTXs also provide opportunities for evaluating vulnerabilities from the demonstrators' viewpoint. If an FTX cannot be held in the community where a disturbance may be expected, a community or an area with similar characteristics can be used. And committees or councils are another means of evaluating threats and vulnerabilities. Such groups should include people who would play a major role in a civil disturbance operation, particularly logistics personnel and key community officials. Groups such as these ease the exchange of information and make for more effective civil disturbance planning.

When available information has been collected and the vulnerability study is complete, an assessment of the threat can be made. Although some weaknesses cannot be corrected, others may only require the careful use of resources. Plans must be made to obtain resources that are not readily available. Using the identified vulnerabilities, planners categorize these

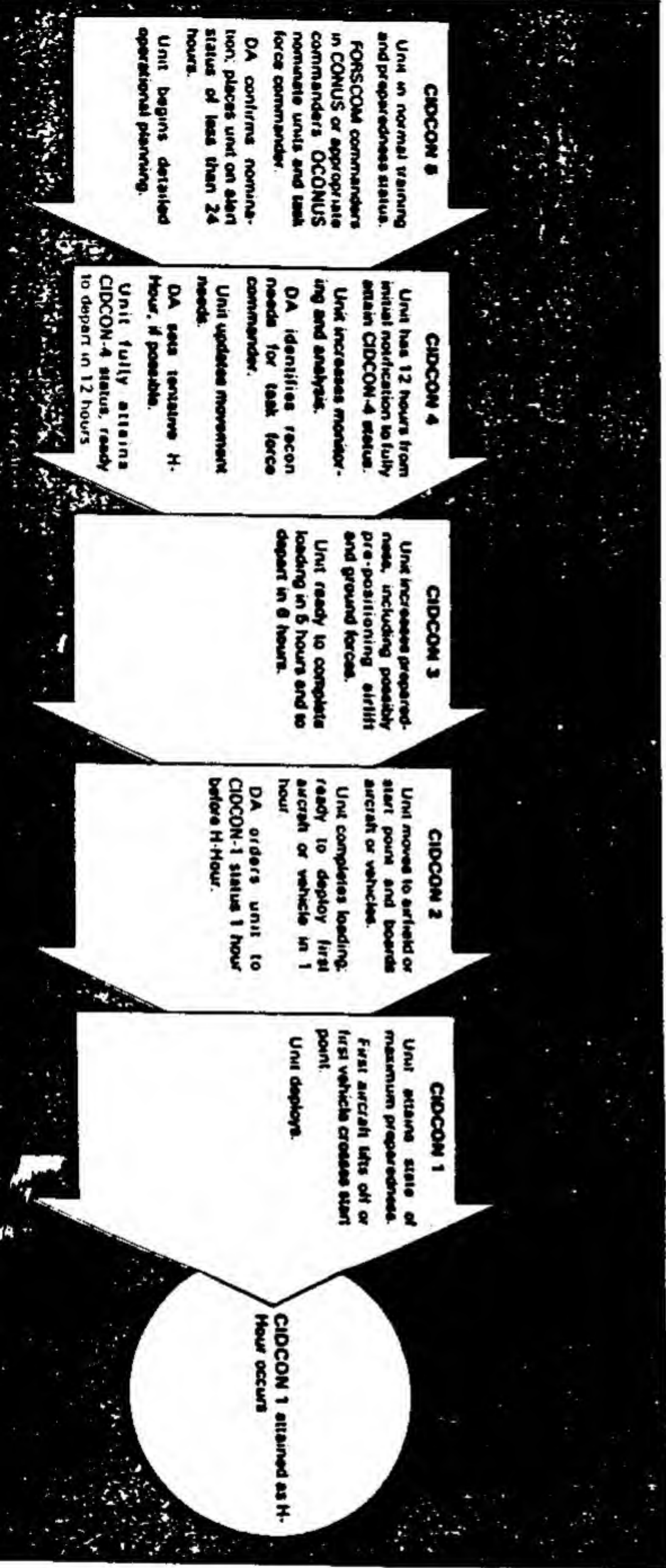
weaknesses based on the specific countermeasures needed to offset them. An overview of the countermeasures can reveal additional weaknesses.

To be of value, threat analysis must be a continuous function. As vulnerabilities are reduced in some areas, other areas

may become more vulnerable. Changes in mission, tasks, and personnel also may have an impact on the status of the current threat analysis. Failure to update a threat analysis on a regular basis or to correct or compensate for vulnerabilities can adversely affect response capabilities for civil disturbances.

INFORMATION NEEDS FOR PLANNING CIVIL DISTURBANCE OPERATIONS

- Goals of the groups that are likely to cause or are causing civil disturbances.
- Times and locations of disturbances.
- Causes of disturbances.
- Identity of persons, groups, or organizations that have distinctly threatened to cause or are causing disturbances.
- Estimated number of people who will be or are involved in the disturbance.
- Likely places where crowds could assemble.
- Presence and location of leaders and individuals who have threatened to cause a civil disturbance.
- Group structure and types of activities group can carry out.
- Sources, types, and locations of arms, equipment, and supplies available to the group.
- Possible use of sewers, storm drains, and other underground systems by participants.
- Attitude of general populace toward groups causing civil disturbances, toward civil law enforcement authorities, and toward federal intervention.
- Presence of threats to utilities that serve the public.
- Kinds of communications and control methods used by participants and organizers.



UK
11 May

**AFTER ACTION REPORT - INTELLIGENCE OVERSIGHT SUPPORT TO JOINT
TASK FORCE, LOS ANGELES (JTF-LA)**

1. PERIOD OF CIVIL DISTURBANCE: 28 APRIL - 10 MAY 1992

2. SECTION I. Significant Activities.

a. Upon mobilization of the California Army National Guard (CANG) and the activation of the JTF-LA, under DoD Operations Plan GARDEN PLOT, the FORSCOM J-2 requested that INSCOM provide counterintelligence (CI) support to include intelligence oversight support.

b. Annex B (INTELLIGENCE) to GARDEN PLOT limits the collection, retention and dissemination of information by DoD intelligence components concerning US persons or groups responsible for, or participating in, such civil disturbances to situations where such persons or groups reasonably pose a threat to the physical security of DoD employees, installations, operations or official visitors. The FORSCOM J-2 wanted to ensure that the intelligence files of both the JTF and the CANG did not contain information on US persons that was contrary to the prerequisites of Annex B (Enclosure 1).

c. INSCOM tasked the 902d MI Group to provide intelligence oversight support. Within 24 hours of notification, the 902d MI Group Intelligence Oversight Officer was in Los Angeles. The following was accomplished during the period 2 - 9 May 1992:

(1) Liaison was established with the J-2, JTF-LA and the G-2, 40th Infantry Division, CANG. Detailed coordination was conducted with LTC Marks and CPT Slaughter, J-2 and LTC Humphreys and CPT McCarthy, G-2, 40th ID. The facilities of the J-2 and G-2 Tactical Operations Centers (i.e., telephones, fax machines, reproduction machines, computers, etc.) were made available for use as required.

(2) Formal intelligence oversight training was conducted for approximately 30 military personnel from the J-2/G-2 staffs. The training concentrated on the following:

(a) The background and history of the intelligence oversight process with emphasis on EO 12333, DOD Directive 5240-1R and AR 381-10;

(b) The rules on collection, retention and dissemination of information on US persons and how this applies to the intelligence files of the J-2 and G-2 staffs;

(c) The responsibilities of the intelligence oversight

operation. A copy is at enclosure 4. Additionally, the J-2 distributed a memorandum to all subordinate intelligence staffs reinforcing the requirements of DoD Directive 5240-1R and Annex B to GARDEN PLOT. A copy is at enclosure 5.

(8) A liaison visit was conducted to the Federal building in downtown Los Angeles for discussions with the JTF liaison officer to the FBI. The Intelligence Annex to GARDEN PLOT, the INSCOM Intelligence Oversight Training Card, and the 14 December 1988 JCS memorandum on oversight of intelligence activities was provided. Copies are at enclosures 6 and 7.

(9) A liaison visit was conducted to the 3d Brigade, 40th Infantry Division at the Coliseum in downtown Los Angeles for discussions with the S-2 and his staff. The Intelligence Annex to GARDEN PLOT, the INSCOM Intelligence Oversight Training Card, and the 14 December 1988 JCS memorandum on oversight of intelligence activities were provided. Copies are at enclosures 6 and 7.

(10) A copy of the daily JTF INTSUM was faxed to the S-3, 902d MI Group and the Intelligence Oversight Office, INSCOM.

(11) The morning shift change briefing of the J-2 and the afternoon shift change briefings of the J-2 and G-2 were attended to ensure that the latest intelligence and operational information was received.

(12) The Office of the Adjutant General (OTAG) for the State of California sent a representative to receive intelligence oversight training on 7 May 1992. The OTAG was concerned that information on US persons in their files at Sacramento, CA could violate DoD Directive 5240-1R and AR 381-10. The representative reviewed all training materials with the undersigned and was provided with specific guidance on the type of information on US persons that could be retained in the OTAG's intelligence files. Copies of all materials were also provided. Telephonic coordination was made with the OTAG Chief of Staff and his concerns were addressed. The OTAG will refer any issues to their legal staff if there is a conflict between the guidance of their oversight officer and the desires for retention by their operations personnel.

(13) Obtained a copy of the LA Sheriff's Office Street Gang Manual which provides the order of battle on the various gangs within Los Angeles; their methods of operations; their symbols and hand signs and other operational information that would enable the intelligence components to identify the threat.

3. SECTION 2. PROBLEM AREAS/LESSONS LEARNED.

officer in the review of documents prepared by the J-2/G-2 staffs for either dissemination to other agencies or retention in their intelligence files;

(d) DoD policy guidance and interpretation pertaining to collection and reporting on US person activities during a civil disturbance;

(e) The requirements of AR 381-10 pertaining to an annual files review; an annual training requirement on the procedures of AR 381-10 and the reporting of questionable intelligence activities or federal crimes committed by members of the intelligence staffs;

(f) The role of law enforcement and the ability to retain criminal information in law enforcement files that is not authorized to be retained by intelligence components or intelligence staffs; and,

(g) The Intelligence Annex to GARDEN PLOT, the INSCOM Intelligence Oversight Training Card, and the 14 December 1988 JCS memorandum on oversight of intelligence activities was provided to each attendee and discussed in detail.

(3) All J-2 and G-2 originated documents were reviewed for content. In those cases where information on US persons that did not pose a threat to DoD was identified, guidance on deletion or use of generic terms was provided. Corrections were then disseminated to the field.

(4) Guidance on the receipt of information from cooperating sources (i.e., FBI, Los Angeles Police Department, Los Angeles County Sheriffs Department, etc.) and how this information could be incorporated into J2/G2 originated documents and files was provided. A training handout was developed to enable the J2/G2 to follow these procedures and use for retention and dissemination guidance for other cooperating source information. A copy is attached at enclosure 2.

(5) Information on the Revolutionary Communist Party, one of the authorized domestic terrorists organizations on the DoD list was provided to the J-2 and G-2. A copy is at enclosure 3.

(6) Collection determinations on gang and gang related information was provided allowing for the collection and retention of such information since the gangs did pose a physical security threat to the JTF soldiers.

(7) A draft memorandum on collection authorities was prepared for J-2 signature. This memo addressed the information that could remain in the files of the J-2/G-2 at the end of the

ANNEX B (INTELLIGENCE) TO DEPARTMENT OF THE ARMY CIVIL
DISTURBANCE PLAN

1. REFERENCES.

a. DOD Directive 5240.1-R, Procedures Governing the Activities of DOD Intelligence Components that Affect United States Persons.

b. AR 190-45, Law Enforcement Reporting.

c. AR 380-13, Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations.

d. AR 381-10, U.S. Army Intelligence Activities.

2. SITUATION. The responsibility for the management of the federal response to civil disturbances in the United States, its possessions, and its territories, rests with the Attorney General. The Attorney General coordinates all federal government activities during a domestic commitment of military forces in response to a civil disturbance situation. Within DOJ, the lead agency for the operational response to a civil disturbance incident is the FBI. In light of this, the DOJ is the primary federal agency responsible for the collection, use, retention and dissemination of civil disturbance information.

3. PLANNING. Acquisition and maintenance of the following information by the appropriate command is authorized when acquired by consent or through publicly available sources:

a. An up-to-date list of the names and positions of local, state, and federal officials whose duties are directly related to the control of civil disturbances, as authorized by reference 1c.

b. Information on public, commercial, and private facilities that are assessed by federal or state law enforcement authorities as targets for persons and organizations engaged in civil disorders after declaration of a federal emergency, as authorized by references 1a, 1c, and 1d.

4. EXECUTION. Collection, retention, and dissemination of information by DOD intelligence components concerning U.S. persons or groups responsible for, or participating in, such civil disturbances will be limited to situations where such persons or groups reasonably pose a threat to the physical security of DOD employees, installations, operations, or official visitors.

a. In almost all circumstances, while the civil disturbance will have threatened or caused a temporary absence of civil

authority, the actions of the dissident elements will not pose a direct threat to DOD. In this situation, the activities of intelligence personnel and units will be extremely limited and be bound by the restrictions contained in Executive Order 12333, reference 1a, and its Army implementation, reference 1b. In such a situation, the information collected and disseminated on persons and groups breaking the law will be treated as criminal information (IAW reference 1c) and not as intelligence data.

b. While Executive Order 12333, and references a. and d. have been cited above, it must be noted that many of the restrictions imposed on DOD intelligence components are designed to protect the rights of U.S. persons derived from the Constitution and Bill of the Rights as well as other statutory and regulatory documents. As such, these basic rights and freedoms cannot and will not be rescinded merely because an emergency has been declared.

c. In all cases, no information will be collected by intelligence elements about a person or organization solely because of unlawful advocacy of measures in opposition to government policy.

d. Should the actions of the persons or groups causing, or participating in, the disturbance specifically threaten the physical safety of DOD employees, installations, operations, or official visitors, collection activities by DOD intelligence components will still be limited to the use of the least intrusive means. In such cases, this will generally equate to soliciting information from publicly available information and cooperating sources such as federal, state, and local law enforcement agencies.

5. MAPS AND AERIAL PHOTOS.

a. Maps required and available, less those under DA control at the Defense Mapping Agency Topographical Center, will be distributed as requested by the Operating Agent/Supported CINC.

b. Requests for aerial reconnaissance will be forwarded to the Operating Agent/Supported CINC for approval and forwarding to Air Force Airlift Readiness Section (ARS). An information copy of the request will be sent to the DOMS and to HQDA (ATTN: DAMI-POI). The following information should be included in any aerial reconnaissance request:

- (1) FROM (Requesting Agency).
- (2) DTG OF REQUEST.
- (3) TO (Agency receiving request).

- pose
s of
and
12333,
In
ed on
minal
a.
d.
n
/
- (4) TYPE OF RECONNAISSANCE (Photo, visual, other).
 - (5) MAP SERIES AND SHEET NUMBER.
 - (6) DESCRIPTION OF TARGET AND RESULTS DESIRED.
 - (7) OBJECTIVE OF REQUEST AND RESULTS DESIRED.
 - (8) NUMBER OF PRINTS, PLOTS, MOSAICS, AND/OR REPORTS REQUIRED.
 - (9) DELIVERY ADDRESS, DATE, AND TIME.
 - (10) LATEST ACCEPTABLE TIME AND DATE.
 - (11) SPECIAL INSTRUCTIONS: TIME ON TARGET (TOT) OR OTHER SPECIAL INSTRUCTIONS.

c. See Annex I for map requirements for planning.

the

ist
to
ind

trol

NC.

to
rg
on
N:
iny

INTELLIGENCE OVERSIGHT TRAINING

I.. REVIEW OF DOCUMENT RECEIVED FROM COOPERATING SOURCE:

A. TITLE: ACTIVITY WRAP-UP LAPD CRISIS MANAGEMENT CENTER

B. REVIEW BY INTELLIGENCE OVERSIGHT OFFICER REVEALS FOLLOWING:

1. DOCUMENT WAS RECEIVED FROM LAW ENFORCEMENT AGENCY

2. G-2 HAS MISSION/FUNCTION TO PROVIDE THREAT DATA ON GANG ACTIVITY AND RECEIVES INFORMATION FROM CIVILIAN POLICE AGENCIES.

3. G-2 IS AUTHORIZED TO COLLECT, RETAIN AND DISSEMINATE INFORMATION ON THREATS TO DEPARTMENT OF DEFENSE (DOD).

4. FOLLOWING ARE THE DOMESTIC GROUPS (I.E., US PERSONS) THAT HAVE BEEN AUTHORIZED FOR COLLECTION AS A RESULT OF THE RIOTS IN LOS ANGELES, CA:

a. REVOLUTIONARY COMMUNIST PARTY (RCP)

b. GANGS BY ANY NAME WITHIN LOS ANGELES, CA

c. ANY OTHER DOMESTIC GROUP THAT POSES A THREAT TO DOD

5. FOLLOWING ITEMS WITHIN THE DOCUMENT ARE OF INTEREST TO G-2 AND WITHIN COLLECTION AUTHORITY OF AR 381-10:

a. ITEM 10:30 AM RE: CRIPS/BLOODS. GANG ACTIVITY IS AUTHORIZED FOR COLLECTION AS THESE GANGS ARE A THREAT TO DOD.

a. ITEM 12:00 PM RE: PRESS CONFERENCE WITH CRIPS/BLOODS AND A BLACK GROUP. GANG ACTIVITY IS AUTHORIZED FOR COLLECTION. BLACK GROUP IS NOT ON THE AUTHORIZED DOD COLLECTION LIST AND HAS NOT PROVEN TO BE A THREAT TO DOD. G-2 MAY NOT EXTRACT INFORMATION ON THIS GROUP AND AND PLACE IT IN A G-2 ORIGINATED DOCUMENT OR IN G-2 FILES. G-2 MAY MAKE GENERIC REFERENCE TO THE GROUP IF THEY USE THIS ITEM IN A G-2 ORIGINATED DOCUMENT.

c. ITEM 3:20 PM RE THE CRIPS/BLOODS. GANG ACTIVITY IS AUTHORIZED FOR COLLECTION AND THESE GANGS ARE A THREAT TO DOD.

6. THE FOLLOWING ITEMS IN THE DOCUMENT REFER TO US PERSONS (INDIVIDUALS OR GROUPS) NOT AUTHORIZED FOR COLLECTION AS THERE IS NOTHING TO LINK THEM TO A THREAT TO DOD.

a. ITEM 11:50 AM RE: "QUEER NATION".

b. ITEM 12:00 PM RE: "BLACK MUSLIMS".

c. ITEM 3:22 PM RE: "JUSTICE FOR JANITORS" AND "SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 399."

C. THE DOCUMENT ITSELF MAY BE RETAINED IN A FILE NOT RETRIEVABLE BY NAME SINCE THE G-2 HAS A NEED FOR THE INFORMATION ON GANGS CONTAINED THEREIN.

D. OVERSIGHT REVIEW WOULD BE REQUIRED IF ANY ITEMS ARE EXTRACTED AND PLACED IN G-2 GENERATED DOCUMENTS. NO INFORMATION MAY BE EXTRACTED ON GROUPS/INDIVIDUALS THAT ARE NOT A THREAT TO DOD; HOWEVER, GENERIC REFERENCE MAY BE MADE TO THESE GROUPS IF REQUIRED FOR CLARIFICATION.

JTFG-LA-J2

MEMORANDUM FOR: JTF-LA-J2, MARFOR G-2, ARFOR G-2

SUBJECT: Retention of Information on United States (US) Persons

1. References:

- a. DOD Directive 5240-1R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons.
- b. DoD Civil Disturbance Plan, GARDEN PLOT.
- c. AR 381-10, US Army Intelligence Activities.

2. During the execution of JTF-LA Operation Garden Plot, intelligence staff offices (ie., J-2, G-2, S-2) collected information on the activities of numerous individuals and groups. All are reminded that only information on the following groups/individuals identified within these groups may be retained in your intelligence files:

- a. Revolutionary Communist Party
- b. Gang and gang related information

All other information on US Persons who do not remotely pose a threat to DoD must be deleted from your intelligence files. Such information may be passed to your law enforcement activities or other federal, state or local police agencies.

3. Annex B (Intelligence) to reference 1b prohibits the collection and retention of US Person information solely because of unlawful advocacy of measures in opposition to government policy. Additionally, reference 1c requires all Army Intelligence staffs to review their files annually to insure that retention of information on US Persons continues to serve the purpose for which it was collected and remains necessary to the conduct of authorized functions of the staff.

4. I expect each section to comply with the prerequisites of above references to ensure that the constitutional and privacy rights of US Persons are respected. These basic rights cannot and will not be rescinded merely because an emergency has been declared.

5. POC is LTC Marks, U.S. Army, Deputy J2, JTF-LA.

M. V. BROCK
COL, USMC
JTF-LA ACOFS J2

125

ENC. 4

13

JTF-LA-100

7 MAY 1992

MEMORANDUM FOR: JTF-LA JC
MARFOR JC
ARFOR JC

SUBJECT: INTERPRETATION OF DOD DIRECTIVE 5040.1-R, PROCEDURES GOVERNING THE ACTIVITIES OF DOD INTELLIGENCE COMPONENTS THAT AFFECT UNITED STATES PERSONS.

1. DOD DIRECTIVE 5040.1-R SPECIFIES THAT COLLECTION, RETENTION, AND DISSEMINATION OF INFORMATION BY DOD INTELLIGENCE COMPONENTS CONCERNING U.S. PERSONS OR GROUPS RESPONSIBLE FOR, OR PARTICIPATING IN, SUCH CIVIL DISTURBANCES WILL BE LIMITED TO SITUATIONS WHERE SUCH PERSONS OR GROUPS REASONABLY POSE A THREAT TO THE PHYSICAL SECURITY OF DOD EMPLOYEES, INSTALLATIONS, OPERATIONS, OR OFFICIAL VISITORS.

2. DURING THE COURSE OF JTF-LA OPERATION GARDEN PLOT, 1 - 10 MAY 1992, CLASSES WERE HELD AND TRAINING CONDUCTED IN HOW TO OPERATE WITHIN THE PARAMETERS OF DOD DIRECTIVE 5040.1-R. ALL MEMBERS OF JTF-LA INTELLIGENCE ORGANIZATIONS ARE WELL-VERSED IN THE CONTENTS OF DOD DIRECTIVE 5040.1-R AND ITS IMPLICATIONS IN OPERATIONS OF JTF-LA.

3. EACH SECTION WILL CONTINUE TO REVIEW ITS FILES (INTSUMS, JOURNALS, FRAGS, WRITTEN GUIDANCE ETC.) TO ENSURE COMPLIANCE WITH DOD DIRECTIVE 5040.1-R. MARFOR AND ARFOR G2'S ARE RESPONSIBLE FOR THEIR RESPECTIVE MSC'S COMPLIANCE.

4. POC IS LTC MARKS, U.S. ARMY, DEPUTY JC, JTF-LA.

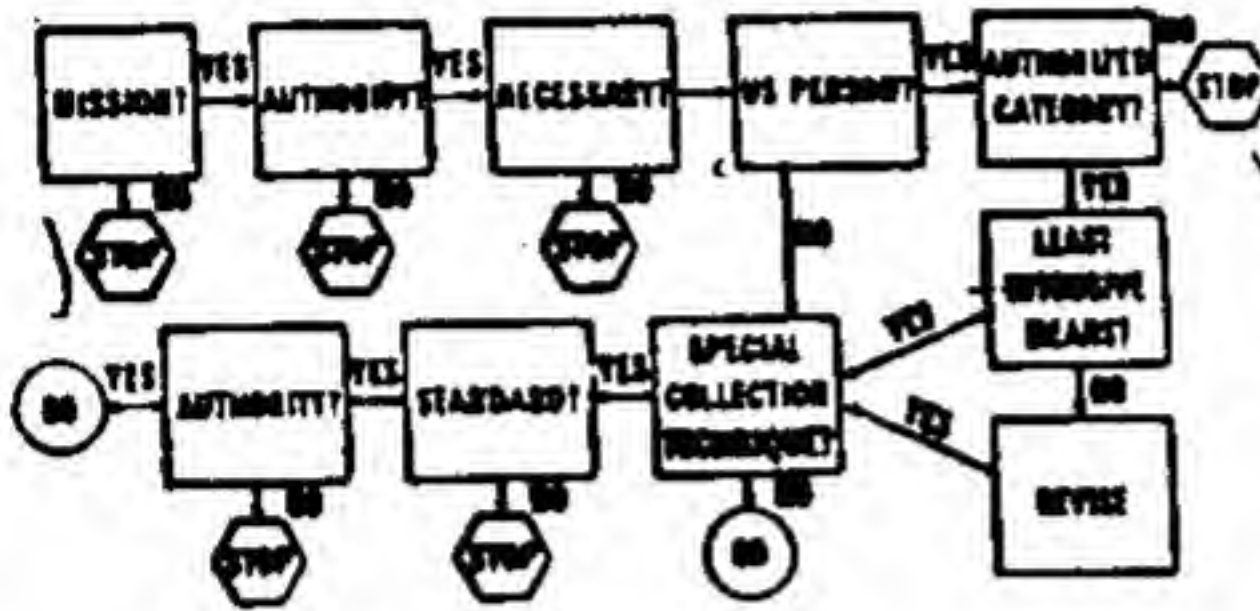


M. V. BROCK
COL, USMC
JTF-LA ACCESS JC

9-7-73

AR 381-10 Flow Chart

AR 381-10, US ARMY INTELLIGENCE ACTIVITIES



PROCEDURE 15

Questionable Activity - Any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential directive, including E.O. 12333, or applicable DOD policy, including Army Regulation 381-10.

Federal Crimes Reporting - For a definition of what is reportable, see paragraph C.4.a.

If you suspect a questionable activity or a federal crime has been committed, or if you have any questions, contact your unit Intelligence Oversight Officer or the DEDCON Intelligence Oversight Office.

COMMERCIAL: 703-706-1776/2687/2689

AUTOVON: 229-1776/2687/2689

The "1776" number is also a STU-111 number.

UNITED STATES ARMY
INTELLIGENCE AND SECURITY COMMAND



AR 381-10 Intelligence Activities
OVERSIGHT SYSTEM

AR 381-10, U.S. Army Intelligence Activities

- Procedure 1 General Provisions
- Procedure 2 Collection of Information About U.S. Persons
- Procedure 3 Retention of Information About U.S. Persons
- Procedure 4 Dissemination of Information About U.S. Persons
- Procedure 5 Electronic Surveillance
- Procedure 6 Concealed Monitoring
- Procedure 7 Physical Searches
- Procedure 8 Searches and Examination of Mail
- Procedure 9 Physical Surveillance
- Procedure 10 Undisclosed Participation in Organizations
- Procedure 11 Contracting for Goods and Services
- Procedure 12 Assistance to Law Enforcement
- Procedure 13 Human Experimentation
- Procedure 14 Employee Conduct
- Procedure 15 Identifying, Investigating, and Reporting Questionable Activities

PROCEDURE 2

DEFINITIONS:

1. U.S. PERSON:
 - a. U.S. citizen
 - b. Known permanent resident alien
 - c. Unincorporated association substantially composed of U.S. citizens or permanent resident aliens
 - d. Corporation if:
 - (1) Incorporated in U.S.
 - (2) Not directed and controlled by a foreign government
2. FOREIGNER:

Any person/organization located outside the U.S. is presumed NOT to be a U.S. person UNLESS there is specific information to the contrary.

PROCEDURE 2

CATEGORIES OF COLLECTIBLE INFORMATION

1. Obtained with consent
2. Publicly available
3. Foreign intelligence
4. Counterintelligence
5. Potential sources
6. Protection of sources/methods
7. Physical security
8. Personnel security investigation
9. Communications security investigation
10. International narcotics
11. International terrorism
12. Overhead reconnaissance
13. Administrative purposes

JTF LA CI DAILY SUMMARY

DATE 7-10 MAY 92

TASKINGS: NO NEW TASKINGS

AGENCIES CONTACTED: FBI-LA, LADP, LA COUNTY SHERIFF (LASO)

PRESENT FOR DUTY: SEE SUMMARY

ATTACHMENTS: SEE SUMMARY

DETACHMENTS: MR WADDELL TO FT ORD ON 7 MAY - RETURNED TO LA 8 MAY.

TOTAL VEHICLES AVAILABLE: 1 GOV (AS OF 9 MAY)

ADDITIONAL SUPPORT REQUIRED: NONE

CONTACT NUMBERS: AS OF 9 MAY

SF MID DSN 586-4059/4060/3553

JTF LA DUTY AGENT - MR WADDELL (714) 827-1010, ROOM 501

SUMMARY:

7 MAY - NO CHANGE IN OPERATIONAL ACTIVITY.
8 MAY - NO CHANGE IN OPERATIONAL ACTIVITY. MEMBERS ATTENDED PRESIDENT'S ADDRESS TO JTF/LEA PERSONNEL AT LA COLISEUM. JTF PREPARING FOR RETURN TO HOME BASES.
9 MAY - MAJORITY OF 7TH ID RETURNED TO FT ORD, LEFT SMALL STAFF ELEMENT TO MAN JTF HQ. MARINES RETURNED TO CAMP PENDELTON. CAMP DEFEDERALIZED. SF MID AND I CORPS CI PERSONNEL RETURNED TO HOME STATION, LEAVING MR WADDELL AS JTF LA DUTY AGENT. HE WILL CONTINUE DAILY LIAISON RUNS BETWEEN FBI, LAPD, AND LASO UNTIL JTF IS DEACTIVATED.
10 MAY - NO CHANGE IN OPERATIONAL ACTIVITY FROM 9 MAY.

JTF-LA CI DAILY SUMMARY

DATE: 6 MAY 1992

TASKINGS: NO NEW TASKINGS

AGENCIES CONTACTED: FBI-LA, L.A.P.D., L.A. SHERIFF (LASO)

PRESENT FOR DUTY: CPT(P) BUCKMAN, CW3 CASTLEBERRY, CW3 WOOD, SPC(P) HIRLINGER, MR WADDELL.

ATTACHMENTS: MSG BOB KELLER, 1 CORPS; SFC VICKY MERCHANT, 201 MI BN; SGT SHANNON SHERMAN, 7 ID; JEFF BOICK, USMC

DETACHMENTS: NONE

TOTAL VEHICLES AVAILABLE: 4

ADDITIONAL SUPPORT REQUIRED: NONE

CONTACT PHONE NUMBERS:

CI OPERATION CENTER - (714) 827-1010, ROOM 318

CPT Buckman - (714) 827-1010, room 625

CW3 Castleberry - (714) 827-1010, room 318

CW3 Wood - (714) 827-1010, room 617

SPC Hirlinger - (714) 827-1010, room 209

MR. Waddell - (714) 827-1010, room 501

SUMMARY: JTF-LA continues to require CI support in determination of any indications of hostile actions directed against deployed forces. Through liaison efforts with LASO, a briefing about LA gangs was presented to JTF-LA personnel (approximate 40 including J2, 401D G2 and other key staff members.) Efforts are now being geared for preparation of the presidents visit tomorrow. Continual CI support to JTF-LA is being maintained.

*7 MAY 92**SUMMARY: NO CHANGE IN STATUS.**Detachment: MR WADDELL FLEW (ARMY AIR) TO FT GID, WILL RETURN 02 MAY.**B.A.*

~~Page 54~~

| | |
|-----------|------------|
| USARCS | US FIA |
| COMUSMACV | PORTICO |
| COMUSMACV | US-ISC |
| DECCA/NE | FCA |
| 1RCRTH | CSF |
| 352 CAC | JOEL/TRANS |
| FO/CID | B5MED |
| AP HILL | PX MGR |
| MEPCOM | SVC |

EN CDRICORPS FT LEWIS WA //AFZH-GS//
 TO RUDHANA/CDRINSCOW FT BELVOIR VA //IACG/DCG/DPS//
 RUEBJFA/CDR902DMIGP FT MEADE MD //IACFA-CO//
~~INFG RUEAD/2/12 DA WASH DC //DAVI-24/26/20/20// 0009~~
 RUCIMDA/CDRUSAINTCEN FT HUACHUCA AZ //ATSI-CE//
 BT

2. WHILE THE OPERATION IS STILL ONGOING WE WOULD LIKE TO COMMEND HQ
INSCOM AND THE 902D MI GP FOR A MOST PROFESSIONAL, HIGHLY RESPONSIVE
REACTION TO THE I CORPS REQUEST. TEAM MEMBERS ARE NOW ON STATION

AMERICA'S CORPS - THE CORPS OF THE FUTURE.

0362

3 4 4

133

CMD

040730(PDT) MAY 92

TO: S3 MIBS/ATTN: MAJ TURNBOW

FM: MAJ AHNER

SUBJECT: STATUS REPORT - JTF LA CI SPT ELEMENT

1. ATTACHED ARE JCS OVERSIGHT MEMO AND INTEL ANNEX TO OPLAN GARDEN PLOT AS PREVIOUSLY DISCUSSED. ALSO FIND JTF LA INTSUMS 001 AND 002 (W/EDITING BY T. STETZ). FYI - JTF HQ PHONE DIRECTORY, J2 INFO FLOW DIAGRAMS, J3 TASKING SCHEME, AND MAP OF CURRENT JTF MSE AO'S.
2. MORNING BRIEF AT 40TH ID SHOWED DEFINITE SHIFT IN ORIENTATION FROM "DISASTER RELIEF" TO "TACTICAL OPS". DIV ELEMENTS ORDERED INTO ASSEMBLY AREAS W/IN THEIR AORS. CG GUIDANCE ON LOADING WPNS IS THAT SOLDIERS SHOULD "LOCK AND LOAD" IF UNDER THREAT - OTHERWISE MAGAZINES WILL BE REMOVED. IN ADDITION TO INCIDENT INVOLVING 40TH ID TROOPS ENGAGING AND FATALLY WOUNDING MOTORIST WHO DROVE INTO THEIR POSITION, SEVERAL INSTANCES OF WPNS BEING FIRED AT OR NEAR CANG TROOPS REPORTED YESTERDAY. ALSO INCREASED LEVEL OF "PROBING" BY GANGS OF GUARD POSITIONS HAS HEIGHTENED CONCERN OVER DIRECT, ARMED CONFRONTATION. CG IS PREPARED TO "TAKE SWIFT AND VIOLENT ACTION" IF SITUATION BTWN GANGS OR BTWN GANGS AND MILITARY FORCES DETERIORATES.
3. JTF BRIEF REFLECTED SIMILAR TONE TO 40TH ID. 2 BDE, 7TH ID HAS MOVED FROM EL TORO MCAS (SEE MAP) AND IS PLANNING FOR AIR MOBILE/AIR ASSAULT THROUGHOUT LA COUNTY IF REQUIRED. MARINES ON PATROL W/LAPD UNITS IN COMPTON RESPONDED W/FIRE AFTER TWO POLICE OFFICERS WERE HIT BY SHOTGUN BLAST. SUSPECT WAS DOA AS A RESULT OF MARINE FIRE. ASST J2, LTC MARKS, STATED THERE ARE CURRENTLY NO PLANS FOR JTF TO SUPPLY SPECIFIC PROTECTION TO ANY PERMANENT DOD FACILITIES IN THE AREA.
4. GIVEN THE TRANSITIONAL NATURE OF THE SITUATION NOW, RECOMMEND WE MAINTAIN CURRENT STAFFING LEVEL. INCREASED AWARENESS OF AR 381-10 ISSUES AT DIV AND BDE LEVELS AND THE NEED TO ASSIST ARMY LNOS TO LEAS IN IDENTIFYING VALID THREAT INFO WILL EASILY KEEP SF MID, I CORPS, AND JTF CI ASSESTS FULLY EMPLOYED IN THE NEAR TERM, PARTICULARLY IN VIEW OF THE NUMBER AND DISPERSION OF SITES IN NEED OF SUPPORT.
5. SOME GOOD LESSONS LEARNED:
 - 381-10 TRAINING IS A MUST FOR ALL UNITS/MEMBERS ASSIGNED A GARDEN PLOT SUPPORT MISSION. T. STETZ IS SCHEDULED TO DO 381-10 TNG FOR 40TH AND 7TH ID AND JFT STAFF.
 - B&CS DO MAKE A DIFFERENCE IN LIAISON OPS. PARTICULARLY IN SITUATIONS OF HEIGHTENED TENSION. ID CARDS ARE NOT ENOUGH - WE NEED TO HAVE B&CS IMMEDIATELY AVAILABLE TO ALL CI-QUALIFIED PERSONNEL.

END OF MESSAGE

134

JTF-LA CI DAILY SUMMARY

DATE: 4 MAY 1992

TASKINGS:

Request for information.

What are the intentions of the gangs in the JTF AO?

AGENCIES CONTACTED: FBI-LA, L.A.P.D., L.A. Sheriff's office
(LASO)

PRESENT FOR DUTY: MAJ AHNER, CPT(P) BUCKMAN, CW3 CASTLEBERRY,
CW3 WOOD, SPC(P) HIRLINGER, MR WADDELL.

ATTACHMENTS: MSG BOB KELLER, 1 CORPS; SFC VICKY MERCHANT, 201 MI BN; CW2 CHRIS PLYMAN, 7 ID; SSG BRIAN KELLY, 7 ID

DETACHMENTS: NONE

TOTAL VEHICLES AVAILABLE: 5

ADDITIONAL SUPPORT REQUIRED: NONE

CONTACT PHONE NUMBERS:

CI OPERATION CENTER - (714) 827-1010, room 428

MAJ Ahner - (714) 827-1010, room 232

CPT Buckman - (714) 827-1010, room 625

CW3 Castleberry - (714) 827-1010, room 428

CW3 Wood - (714) 827-1010, room 617

SPC Hirlinger - (714) 827-1010, room 209

MR. Waddell - (714) 827-1010, room 501

MR. Stetz - (714) 827-1010, room 522

SUMMARY: CI efforts continue to be geared for the collection of gang related information. Through liaison efforts with LAPD, a gang summary document was provided to USMI. The document was delivered to J2 and disseminated throughout the JTF. The document was reviewed for compliance of AR 381-10. AR381-10 classes were presented to JTF personnel. On the spot intelligence oversight assistance is also being provided. Recommendations to the G2 for improving physical and document security were provided. Attached personnel continue to be teamed with INSCOM personnel. Liaison efforts to the deployed units are beneficial to the flow of intelligence.

JTF-LA CI DAILY SUMMARY

DATE: 5 MAY 1992

TASKINGS:

1. Request for information.

a. What affect does the military (JTF) presence have on trafficking in the AO?

b. What are the areas of trafficking (pre-riot) within the AO?

c. What are the gang identifications associated with the trafficking of drugs in the AO?

d. What is the likelihood that trafficking, if stopped or reduced by military presence, will attempt to resume while we remain?

2. Request for information.

Record locations of riot damage/burnt buildings/looted stores etc., as you move through AO, by street address or intersection/block.

3. Request for information.

Record general impressions, by block or by area of the neighborhoods you move through.

4. Request for information.

Obtain a list of gang owned/operated vehicles considered to be a threat or wanted/suspicious by LAPD/LASO/DEA/FBI etc. NOTE: above items are priority one requests from J2.

AGENCIES CONTACTED: FBI-LA, L.A.P.D., L.A. Sheriff's office (LASO)

PRESENT FOR DUTY: MAJ AHNER, CPT(P) BUCKMAN, CW3 CASTLEBERRY, CW3 WOOD, SPC(P) HIRLINGER, MR WADDELL.

ATTACHMENTS: MSG BOB KELLER, 1 CORPS; SFC VICKY MERCHANT, 201 MI BN; WO1 JOSE SOTO, 7 ID; SSG BRIAN KELLY, 7 ID; SGT JEFF BOICK, USMC

DETACHMENTS: NONE

TOTAL VEHICLES AVAILABLE: 5

ADDITIONAL SUPPORT REQUIRED: NONE

CONTACT PHONE NUMBERS:

CI OPERATION CENTER - (714) 827-1010, room 428

CPT Buckman - (714) 827-1010, room 625

CW3 Castleberry - (714) 827-1010, room 428

CW3 Wood - (714) 827-1010, room 617

SPC Hirlinger - (714) 827-1010, room 209

MR. Waddell - (714) 827-1010, room 501

T36

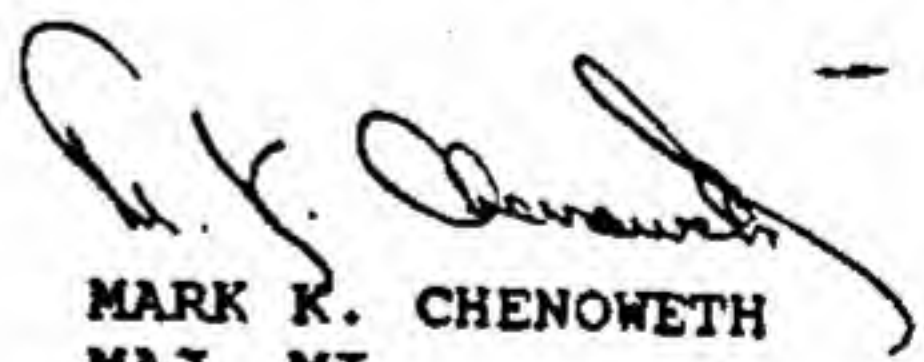
SUMMARY: CI efforts continue to be geared for the collection of gang related information. Through liaison efforts with LASO, a draft gang handbook and other hard copy materials were provided to USMI. Copies of the materials were delivered to J2 and disseminated throughout the JTF. The materials were greatly appreciated by the JTF personnel. AR381-10 classes continued to be presented to JTF personnel. On the spot intelligence oversight assistance is also being provided. Recommendations to the G2 for physical and document security are continuing to be provided. Attached personnel continue to be teamed with INSCOM personnel.

1 May 1992

MEMORANDUM FOR RECORD

SUBJECT: Support to OPLAN Garden Plot

1. Tasking Received on 1 May 92 at 1824 Hours from LTC James, ADCSOPS-CI, INSCOM; Requirement was to deploy 4-6 personnel in support of 7 ID deployment to LA for OPLAN GARDEN PLOT missions.
2. Treat our association like an ISE; Assets are still assigned to 902D; We will have a 24 hour capability at the 7 ID TOC; We may end up putting 2-3 personnel at 7 ID; 1 at NG TOC; 1 at LAPD TOC; Situation dependent, final deployment up to 902D, let 902D SIO make the determination.
3. POC at I Corps G2 is COL Carter, DSN 357-2033/3366; I Corps EOC is DSN 357-1302.
4. Call to COL Carter from the undersigned revealed the following:
 - a. Mission is two-fold; Serve as LNO between Division CI assets and local law enforcement and provide advice to G2 on AR381-10 and posse comitatus issues.
 - b. POC at destination is LTC Nick O'Dawe, G2, 7 ID; When our folks arrive, if LTC O'Dawe is not there, call the 7 ID War Room at DSN 929-4341.
 - c. Destination is 7 ID TOC at the 40 ID Armory in Los Alimitos.
 - d. 7 ID will initially send a BN Task Force, fully equipped.
 - e. 40 ID may be partially Federalized shortly.
 - f. Everything else is situation dependent; They understand that we don't have TA-50 and protective masks, they will probably be able to take care of these items; They agreed that both BDU's and civilian attire might be required (Det will bring along any support gear they believe may be needed).


MARK K. CHENOWETH
MAJ, MI
S3

CHRONOLOGY:
NOTIFICATION/DEPLOYMENT/INITIAL OPS
IN SUPPORT OF JTF LOS ANGELES

approx 0900hrs (EDT) 30 Apr: Notified by SFMID that FT Ord RO had been approached by 7th ID for support to their deployment to Los Angeles. Discussed situation with Group S3, who agreed to contact INSCOM for guidance.

approx 1500hrs (EDT) 30 Apr: Notified by Group S3 of INSCOM guidance that any 7th ID request for CI support would be routed through I Corps, and FORSCOM, to INSCOM. Feeling at the time was the likelihood of this happening would be very low since FORSCOM had recommended 7th ID not deploy its organic CI assets.

approx 1815hrs (EDT) 30 Apr: Notified by Group S3 that INSCOM had directed 902nd to deploy a 4-6 person "CI Support Element" to the JTF LA TOC, located at Los Alamitos Armed Forces Reserve Center, Los Alamitos, CA. Mission would be to assist in liaison between JTF forces and federal, state, and local law enforcement agencies in the execution of OPLAN GARDEN PLOT. Additional mission would be advise and assist in AR 381-10 and posse comitatus issues.

1830hrs 30 Apr - 0130hrs (EDT) 1 May: Contacted SFMID with mission order, made detailed reception coordination with JTF/7th ID HQ and INSCOM IOC, and prepared for departure (TDY orders, ICF advance, B&Cs request).

0730-0830hrs (EDT) 1 May: MAJ Ahner and Mr. Stetz received TDY advances from Ft Meade F&AO.

0930hrs (EDT) 1 May: Ahner departed BWI for Los Angeles International Airport, via St Louis. SFMID personnel (CPT-P Buckman, CW3 Wood, and SPC M. Hirlinger) and Ft Ord RO personnel (GS12 R. Waddell and CW3 R. Castelberry) depart for LA via GOVs.

0900-1100hrs (EDT) 1 May: Stetz retrieved AR 381-10 reference materials and copy of OPLAN GARDEN PLOT from HQ INSCOM.

1130hrs (EDT) 1 May: Stetz departed Washington National Airport for Los Angeles International Airport, via Chicago.

approx 1200hrs (PDT) 1 May: Ft Ord personnel arrived AFRC, Los Alamitos and began initial coordination with JTF J2.

approx 1400hrs (PDT) 1 May: SFMID personnel arrived AFRC, Los Alamitos and began initial coordination with 40th ID (CANG) and Security Manager, AFRC.

1730hrs (PDT) 1 May: Ahner arrived LAX. Conducted initial coordination with Security Managers at Hughes Aircraft, Northrup, Rockwell, TRW, Aerospace Corp., Los Angeles Air Force Base, and LA PD.

1930hrs (PDT) 1 May: Stetz arrived LAX. Due to curfew restrictions, remained in hotel near LAX until departing for AFRC, Los Alamitos on morning of 2 May.

2030hrs (PDT) 1 May: Ahner arrived at AFRC. Established contact with FBI and CHP LNOs, J2 (LTC Marks - 7th ID), and senior 40th ID CI representative (WO Shreiken). Monitored 40th ID and JTF TOC operations until 0100hrs 2 May.

approx 2100hrs (PDT) 1 May: Two CI personnel from I Corps (MSG R. Keller and SFC V. Merchant) arrived and were assigned for OPCON to 902nd Support Element by J2.

0700hrs (PDT) 2 May: Stetz arrived AFRC.

0800-1000hrs (PDT) 2 May: Personnel consolidated into Ramada Inn Cypress, located approx 2 miles from AFRC, and established a 24hr Operations Center in one of the rooms.

1000-1100hrs (PDT) 2 May: SFMID, Ord RO, and I Corps personnel performed liaison and coordination activities with military and civilian representatives on AFRC. Stetz and Ahner reviewed OPLAN GARDEN PLOT and JCS guidance on IO in civil disturbance situations and prepared information packages for dissemination to military and civilian authorities.

1100-1700hrs (PDT) 2 May: Established procedures for maintaining a Duty Agent at the 40th ID/JTF TOCs on a 24hr basis. Ahner, Buckman, Stetz, and Waddell made initial liaison visits to the FBI EOC (Federal Bldg, Westwood), LA PD South Command Post and HQ, 3rd BDE, 40th ID (LA Sports Center, Figueroa & Martin Luther King, LA). Castelberry assisted G2, 40th ID, debrief a CANG soldier (former gang-member) who volunteered information regarding gang tactics.

1800-2000hrs (PDT) 2 May: Ahner, Buckman, and Stetz attended 40th ID and JTF briefings and provided IO assistance in preparation of JTF INTSUMs.

2000hrs 2 May - 0100hrs (PDT) 3 May: Buckman coordinated debrief of CANG soldiers who received fire from gang members in the Newton area of South LA. Ahner met with LA County Sheriff LNO to coordinate screening procedures for information relating to threats against DoD personnel and facilities. Made final arrangements for augmentation by 7th ID CI personnel. Stetz made initial arrangements to present 381-10 training to JTF operations and intelligence personnel (40th ID, 7th ID, and USMC).

0600-0900hrs (PDT) 3 May: Stetz received initial response to 381-10 inquiry regarding collection/retention of information on gangs threatening attacks on JTF personnel. Ahner, Buckman, and Stetz attended 40th ID and JTF briefings and prepared first written status reports to MIBS and 902nd.

0900-1100hrs (PDT) 3 May: Buckman and 2 agents conduct debrief of CANG soldiers shot at on 2 May. Stetz and Ahner prepared IO/381-10 training materials. Remainder of the element (plus attachments/augmentees) began normal routine of manning Ops Center at the hotel, Duty Agent at AFRC, and twice daily liaison meetings with FBI EOC, LA PD South Command Center, and LA County Sheriff EOC.

1100hrs (PDT) 3 May - 1000hrs (EDT) 4 May: Ahner in transit from LA to Ft Meade. Flight cancellation and rerouting thru JFK delayed originally planned arrival time of 2300hrs (EDT) 3 May.

NOTES FOR CSA WEEKLY UPDATE

SUBJECT: 902D SUPPORT TO OPLAN GARDEN PLOT

* NOTIFIED OF TASKING AT 1830 HOURS 1 MAY; FIRST AGENT DEPLOYED _____ HOURS LATER.

* 902D COORDINATED MISSIONS AND DEPLOYMENT DIRECTLY WITH G2, I CORPS AND 7 ID WAR ROOM.

* MISSION IS TO PROVIDE LIAISON BETWEEN ALL JTF-LOS ANGELES ELEMENTS AND FEDERAL/LOCAL LAW ENFORCEMENT AGENCIES; PROVIDE ADVISE TO ALL JTF-LOS ANGELES UNITS ON INTELLIGENCE OVERSIGHT AND POSSE COMITATUS ISSUES.

* UNITS SUPPORTED INCLUDE 7 ID, 40 ID (FEDERALIZED ELEMENTS), CALIFORNIA NATIONAL GUARD, USMC UNITS; COORDINATION HAS BEEN CONDUCTED WITH FBI, CALIFORNIA HIGHWAY PATROL AND ALL LOCAL LAW ENFORCEMENT AGENCIES.

* LARGEST PART OF THE MISSION TO DATE HAS BEEN TRAINING OF ALL ENGAGED UNITS ON DA POLICY FOR DISCLOSURE OF INFORMATION (AR 381-10), PARTICULARLY WITH REGARD TO U.S. PERSONS, ORGANIZATIONS ALLEGED TO HAVE BEEN PART OF THE RIOTING AS WELL AS GANG ACTIVITY. UNITS GENERALLY HAD NO TRAINING/ASSISTANCE IN THIS AREA. ALL REPORTING DOCUMENTS WHICH WERE MADE AVAILABLE TO THE 902D WERE REVIEWED, INCLUDING PERIODIC INTELLIGENCE SUMMARIES.

* AN ANCILLARY MISSION WHICH BECAME EVIDENT DURING COORDINATION WITH UNITS WAS 902D ASSISTANCE WITH FORCE PROTECTION. THIS INCLUDED A REVIEW OF OPSEC PROCEDURES AND CRITICAL EXAMINATION OF THE PHYSICAL SECURITY OF TACTICAL UNIT EMPLACEMENTS/ROAD BLOCKS.

* WITHIN FIRST _____ HOURS, 7 PERSONNEL WERE DEPLOYED (5 FROM 902D SAN FRANCISCO MI DETACHMENT AND 2 FROM BN/GP HEADQUARTERS AT FT. MEADE.

*

*

*

| JOINT MESSAGEFORM | | | | | | | | | | SECURITY CLASSIFICATION | |
|--|------------------|-------|----|------------|------|-------------------------|--------|-----|-----------------|-------------------------|--|
| PAGE | DTG/RELEASE TIME | | | PRECEDENCE | | CLASS | SPECAT | LMF | CIC | ORIG MSG IDENT | |
| | DATE TIME | MONTH | YR | ACT | INFO | | | | | | |
| 01 of 02 | 011530Z | MAY | 92 | 00 | 00 | UUUU | | | | 1221535Z | |
| MESSAGE HANDLING INSTRUCTIONS | | | | | | | | | | | |
| <p>FROM: CDR 902D MGRP FT GEORGE G MEADE MD//IAGPA-OP//</p> <p>TO: AIG 8831</p> <p>AIG 8832</p> <p>AIG 8833</p> <p>UNCLAS FOUO</p> <p>RRRR</p> <p>SUBJECT: CIVIL UNREST</p> <p>1. DUE TO THE CURRENT CIVIL DISTURBANCES TAKING PLACE THROUGHOUT CONUS, ADDRESSEES ARE REMINDED THAT THE PROVISIONS OF AR 381-10 REMAIN IN EFFECT. 902D MILITARY INTELLIGENCE GROUP PERSONNEL MAY SERVE AS A CONDUIT (THROUGH NORMAL LIAISON ACTIVITIES) PERTAINING TO CIVIL DISTURBANCES, BUT MAY NOT ACTIVELY COLLECT OR RETAIN FOR USE SUCH INFORMATION.</p> <p>2. 902D MI GROUP AGENTS CAN AND SHOULD COLLECT AND FORWARD TO HIGHER HEADQUARTERS INFORMATION CONCERNING THREATS TO DOD INSTALLATIONS, FACILITIES AND PERSONNEL. IF THERE IS ANY QUESTION CONCERNING THE RETAINABILITY OF THE INFORMATION COLLECTED, A REQUEST FOR DETERMINATION WILL BE INCLUDED IN THE REPORT.</p> <p>3. GUIDANCE CONCERNING SUBMISSION OF SPOT REPORTS WITH REGARDS TO THREATENING DEMONSTRATIONS IS CONTAINED IN 902 MI GROUP MSG 252200Z OCT 1990.</p> <p>DISTR</p> | | | | | | | | | | | |
| DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE | | | | | | SPECIAL INSTRUCTIONS | | | | | |
| W.E. PEARCE, D/S3 01 MAY 92, IAGPA-OP, 923-4822 | | | | | | 143 | | | | | |
| TYPED NAME TITLE OFFICE SYMBOL AND PHONE RAYMOND T. WAITY, COL, MI, CDR, 923-6911 | | | | | | | | | | | |
| SIGNATURE <i>Raymond T. Waity</i> | | | | | | SECURITY CLASSIFICATION | | | DATE TIME GROUP | | |

DD FORM 173/2 (OCR)

PREVIOUS EDITION IS OBSOLETE
B/N 0100-17-000 1730

FD-5. GPO: 1990-256-363

JOINT MESSAGEFORM

SECURITY CLASSIFICATION

| | | | | | | | | | | |
|----------|-------------------------------|-------|----|------------|------|-------|--------|-----|-----|----------------|
| PAGE | DIG/RELEASE TIME | | | PRECEDENCE | | CLASS | SPECAT | IMI | ENC | ORIG MSG IDENT |
| | DATE TIME | MONTH | YR | ACT | INFO | | | | | |
| 02 OF 02 | 011530Z | MAY | 92 | 00 | 00 | UUUU | | | | 1221535Z |
| BOOK | MESSAGE HANDLING INSTRUCTIONS | | | | | | | | | |

4. WE HAVE ~~FROM~~ ^{FROM} OF INTELLIGENT PEOPLE IN THE FIELD AND I DONT WANT TO TELL YOU HOW ~~TO~~ ^{TO} SUCK EGGS. WE ARE TOO SMART TO DO STUPID THINGS.

5. POC FOR THIS MESSAGE IS W. E. PEARCE, DSN 923-4822.

DISTA

DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE

SPECIAL INSTRUCTIONS

TYPED NAME TITLE OFFICE SYMBOL AND PHONE

SIGNATURE

SECURITY CLASSIFICATION

DATE TIME GROUP

DD FORM 1 MAR 79 173/2 (OCR)

PREVIOUS EDITION IS OBSOLETE
G/N 9100-17-000 1720

*U.S. GPO: 1990-296-563

6
5
4
3
2
1
0

May 5, 1992
157-LA-139875
8AM

2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/23/00 BY 60247 NLS/LMA
RHD 930730

Form

May 5, 1992
157-LA-139875
8AM

1

#130

CRISIS MANAGEMENT CENTER
ACTIVITY OF MAY 5, 1992

| TIME | ACTIVITY |
|---------|---|
| 8:00AM | Shift begins. SAC, Ahearn, PX, ASAC Lisotto, Los Angeles Field Office, SSA [REDACTED] and SA [REDACTED] are in charge of this shift. b7C |
| 8:01AM | [REDACTED] FBIHQ, advised that the Bureau file number for this case is 157-HQ-1026600. b7C |
| 8:57AM | INS investigations will deploy 32 Agents in various locations to the Task Force. |
| 9:30AM | SSA [REDACTED] advised that LAPD had an officer shot at last night, however, the round landed in officer's shirt and there was no injury. [REDACTED] stated that the South Bureau is worried about consistent intelligence information being received concerning gang activity, and that the Commander is worried that a war may break out against police officers. LAPD will continue in their mode of 12 hour shifts and will maintain full deployment through the weekend. LAPD will not reconsider changing their deployment until early next week. The South Bureau Command Center has been relocated to the Coliseum and has the following new Command Post numbers: 749-2014, 749-2468, 749-2315, 749-8344, 749-8414, and 749-0519. The South Bureau made an inquiry regarding a group of Army Rangers who were confronted by LAPD officers last night at an unknown location. The Rangers stated they were not part of the military function. SAC Ahearn and ASAC Lisotto were advised. b7C |
| 10:30AM | LAPD (ATD) reports Crips and Bloods plan to travel to Simi Valley today with guns, to attack. No time period was given; however, there is a planned demonstration at Simi Valley Court House today at noon. |
| 11:08AM | [REDACTED] (Ventura RA) advised that Ventura County Sheriff's Department (VCSO) has heard rumors that the DOJ case against the four LAPD officers involved in Rodney King incident will be dropped within 24 hours; that DOJ/FBI will announce within 24 hours. b7C |

May 5, 1992
157-LA-139875
8AM

2

release the information yet.

An ATD contact of VCSD reportedly told [REDACTED] contact was VCSD, that the above information was true.

b7C

[REDACTED] was asked to disseminate to VCSD that this was false.

b7C

11:15AM Supervisor [REDACTED] INS, informed of demonstration at Parker Center.

11:25AM This Command Center informed Communications Operator [REDACTED] from Federal Protective Service.

11:30AM SA [REDACTED] reports that there may be a leak in the Simi Valley Court House. Not only has the Thousand Oaks news paper published the names and home cities of the jurors, they published their employer's name and location. SA [REDACTED]

b7C
b7F
b7D

A.T.D. reports that there is a demonstration currently under way at City Hall.

11:50AM A.T.D. received information from Detective [REDACTED] Simi Valley P.D. that members of Queer Nation are beginning to arrive at the Court House.

12:00PM SA [REDACTED] pager [REDACTED] called from South Central CRASH with unconfirmed information circulating regarding a press conference to be held with the Bloods, Crips, and Black Muslims at 2:00 p.m. on Tuesday, May 5, 1992.

b7C

1:15PM Detective [REDACTED] spoke with Captain [REDACTED] FEDERAL PROTECTION POLICE, regarding concern of protecting Federal property in the Civic Center during a demonstration to take place on Saturday, May 9, 1992, at 3:00 p.m. (1500 hours). Contact was then made with [REDACTED] at the EOC, who was unaware of this demo. A request was made for the EOC to deploy Federal troops to protect the Federal complex and the Federal Courthouse.

May 5, 1992
157-LA-139879
8AM

3

3:20PM

Detective [REDACTED] LAPD (ATD) - 485-4391 advised that a volunteer worker at CROW substation, West Los Angeles, LAPD went to her optometrist at Cedar Sinai, an employee (NFI) said that students at Fairfax High School were talking about plans by the Crips and Bloods to firebomb the Beverly Center Shopping Mall after the National Guard withdraws.

3:20PM

Sergeant [REDACTED] ATD, 485-4391, advised of Justice for Janitors fliers meeting at 1247 West 7th Street, 11:30AM on Friday, May 8, 1992 - "Service Employees International Union, Local 399 - Justice for Janitors" campai. for a peaceful demonstration regarding Rodney King. Sergeant [REDACTED] will fax a copy to attention of Detective [REDACTED]

3:50

INS advised that as of 4:00 pm on May 5, 1992, have curtailed operations.

4:00PM

Shift ends.

a. (4) A Maoist organization which supports the Peruvian Shining Path by distributing vast literature through a wide network of radical bookstores called Revolution Books.

b. (4) [REDACTED] is possibly the efforts leader. b7C

c. (4-5-6) Headquartered in Chicago, with chapters in Berkely CA, New York, and elsewhere.

d. (5) Due to the recent collapse of the USSR, keeping interest in communist literature alive and maintaining a steady stock of Marxist text are common problems

e. (6) Formed in 1974 as a semi-covert Marxist-Leninist organization, whose goal is to overthrow the U.S. Government

f. (6) Known to use guerilla tactics

g. (6) Known to have clandestine meetings throughout the L.A. area.

h. (6) Known for their careful methodical planning

i. (6) As of early 1991 was known to be actively recruiting members

2. ACTIVITIES:

a. (3) 02 May 90, MacArthur Park

Violent demonstration where RCP clashed with about 40 riot-clad police officers

Bottles, rocks, and a 5-gallon can were directed against office

Tires were piled in front of an Immigration and Naturalization Service detention center with intent to set them on fire

Graffiti painted on walls

b. (6) Unknown, poss. 02 MAY 90

Bombed the Immigration and Naturalization Service building L.A.

c. (6) Late 90-Early 91

Took over San Francisco recruitment station--8 arrested

Set fire to a federal building New York City

Demonstrated in Detroit

d. (6) Unknown

Bombed an unknown building

122

ENC 3

P.03

TO (01) RS232

MAY-05-1992 12:18 FROM 9020 MI OF TCI

- a. (1) 11:00 02 Parker Center Demonstration
- b. (1) 02 MAY Macarthur Park Demonstration
(South I-5)
- c. (1) 1400 02 May 6th & S. Parkview Planned Demonstration

4. CURRENT INFORMATION:

- a. (1) Unconfirmed as possibly opposing the Joint Task Force
- b. (1) Possibly gang related exploitation of the riots. RCP has probab
not reemerged
- c. (2) Acting independent of but in concert with the gang activity and
disruptions.

123

P. 84

TO (81) RS232

MAY-05-1992 12:19 FROM 9823 MI GP TCI

1. JFF LA INTSUM 000 03 MAY 92

2. LEXIS-NEXIS, 01 MAY 90, L.A. Times

4. LEXIS-NEXIS, 18 DEC 91, N.Y. Times

5. LEXIS-NEXIS, 18 JAN 92, The Economist

6. FBI Characterization of the Revolutionary Communist Party, early 1991

* NOTE: the numbers in parenthesis relate to the corresponding numbers with the references above.

124

TO (81) RS232

FROM 9020 MI CP TCI